



Rizzetta & Company

Waters Edge Community Development District

**Board of Supervisors' Meeting
November 29, 2018**

**District Office:
5844 Old Pasco Road, Suite 100
Pasco, Florida 33544
813.994.1615**

www.watersedgecdd.org

WATERS EDGE COMMUNITY DEVELOPMENT DISTRICT AGENDA

At the Waters Edge Clubhouse, located at 9019 Creedmoor Lane, New Port Richey, FL
34654

Board of Supervisors	Edward Grillo Roger LeBlanc Michael McCarthy Michaela Ballou	Chairman Vice Chairman Assistant Secretary Assistant Secretary
District Manager	Christine Perkins	Rizzetta & Company, Inc.
District Counsel	John Vericker	Straley Robin & Vericker
District Engineer	Greg Woodcock	Cardno TBE

All cellular phones must be placed on mute while in the meeting room.

The Audience Comment portion of the agenda is where individuals may make comments on matters that concern the District. Individuals are limited to a total of three (3) minutes to make comments during this time.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting / hearing / workshop by contacting the District Manager at (813)533-2950. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) 1-800-955-8770 (Voice), who can aid you in contacting the District Office.

A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

WATERS EDGE COMMUNITY DEVELOPMENT DISTRICT
DISTRICT OFFICE • 5844 OLD PASCO ROAD • SUITE 100
WESLEY CHAPEL, FL 33544
www.watersedgecdd.org

Board of Supervisors
Waters Edge Community
Development District

November 21, 2018

AGENDA

Dear Board Members:

The regular meeting of the Board of Supervisors of the Waters Edge Community Development District will be held on **Thursday, November 29, 2018 at 3:30 p.m.** at the Waters Edge Clubhouse, located at 9019 Creedmoor Lane, New Port Richey, FL 34654. The following is the agenda for this meeting.

- 1. CALL TO ORDER/ROLL CALL**
- 2. AUDIENCE COMMENTS ON AGENDA ITEMS**
- 3. BUSINESS ADMINISTRATION**
 - A. Administer Oath of Office to Newly Elected Supervisors Tab 1
 1. Consideration of Compensation
 2. Review of Chapter 190 FL Statutes..... Tab 2
 3. Review of Sunshine Laws and Code of Ethics for Public Officers and Employees Tab 3
 - B. Discussion of Board Supervisor Appointment for Vacant Seat #4 Tab 4
 - C. Consideration of Resolution 2019-01, Designating Officers of the District Tab 5
 - D. Consideration of Minutes of the Board of Supervisors' Meeting held on October 25, 2018..... Tab 6
 - E. Consideration of Operation and Maintenance Expenditures for October 2018..... Tab 7
- 4. STAFF REPORTS**
 - A. District Engineer
 - B. Aquatics Manager
 1. Presentation of the November 2018 Waterway Inspection Report Tab 8
 - C. Field Services Manager
 1. Presentation of the October 2018 Field Inspection Report, Inclusive of Yellowstone Response Tab 9
 2. Discussion of Yellowstone Pond Erosion Maintenance on Belle Haven Drive..... Tab 10
 - D. District Counsel
 - E. District Manager
 1. Presentation of Action Items List Tab 11
- 5. BUSINESS ITEMS**
 - A. Discussion of Irrigation and Maintenance Cost Sharing Agreement between the CDD and HOA Tab 12
 - B. Consideration of Proposal from Cascade Fountains for Front Architectural Fountain Repair Tab 13
 1. General Review of Previous Invoices from Cascade Fountains
 - C. Discussion of Pasco County Tax Collections..... Tab 14

6. AUDIENCE COMMENTS AND SUPERVISOR REQUESTS

7. ADJOURNMENT

We look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call us at (813) 533-2950.

With Warm Regards,

Christine Perkins

Christine Perkins
District Manager

Tab 1

**WATERS EDGE COMMUNITY
DEVELOPMENT DISTRICT
BOARD SUPERVISOR
OATH OF OFFICE**

I, _____, A CITIZEN OF THE STATE OF FLORIDA AND OF THE UNITED STATES OF AMERICA, AND BEING EMPLOYED BY OR AN OFFICER OF THE WATERS EDGE COMMUNITY DEVELOPMENT DISTRICT AND A RECIPIENT OF PUBLIC FUNDS AS SUCH EMPLOYEE OR OFFICER, DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF FLORIDA.

Board Supervisor Signature

ACKNOWLEDGMENT OF OATH BEING TAKEN

STATE OF FLORIDA
COUNTY OF PASCO

On this 29th day of November, 2018, before me, personally appeared _____ to me well known and known to me to be the person described herein and who took the aforementioned oath as a Board Member of the Board of Supervisors of Waters Edge Community Development District and acknowledged to and before me that they took said oath for the purposes therein expressed.

WITNESS my hand and official seal the date aforesaid.

Notary Public
STATE OF FLORIDA

My commission expires on:

Tab 2

THE 2018 FLORIDA STATUTES

Chapter 190
Community Development
Districts

The Florida Senate

2018 Florida Statutes

<u>Title XIII</u>	Chapter 190
PLANNING AND DEVELOPMENT	COMMUNITY DEVELOPMENT DISTRICTS

CHAPTER 190

COMMUNITY DEVELOPMENT DISTRICTS

- 190.001 Short title.
- 190.002 Legislative findings, policies, and intent.
- 190.003 Definitions.
- 190.004 Preemption; sole authority.
- 190.005 Establishment of district.
- 190.006 Board of supervisors; members and meetings.
- 190.007 Board of supervisors; general duties.
- 190.008 Budget; reports and reviews.
- 190.009 Disclosure of public financing.
- 190.011 General powers.
- 190.012 Special powers; public improvements and community facilities.
- 190.0125 Purchase, privatization, or sale of water, sewer, or wastewater reuse utility by district.
- 190.013 Water management and control plan.
- 190.014 Issuance of bond anticipation notes.
- 190.015 Short-term borrowing.
- 190.016 Bonds.
- 190.017 Trust agreements.
- 190.021 Taxes; non-ad valorem assessments.
- 190.022 Special assessments.
- 190.023 Issuance of certificates of indebtedness based on assessments for assessable improvements; assessment bonds.
- 190.024 Tax liens.
- 190.025 Payment of taxes and redemption of tax liens by the district; sharing in proceeds of tax sale.
- 190.026 Foreclosure of liens.
- 190.031 Mandatory use of certain district facilities and services.
- 190.033 Bids required.
- 190.035 Fees, rentals, and charges; procedure for adoption and modifications; minimum revenue requirements.
- 190.036 Recovery of delinquent charges.
- 190.037 Discontinuance of service.
- 190.041 Enforcement and penalties.
- 190.043 Suits against the district.
- 190.044 Exemption of district property from execution.
- 190.046 Termination, contraction, or expansion of district.
- 190.047 Incorporation or annexation of district.
- 190.048 Sale of real estate within a district; required disclosure to purchaser.
- 190.0485 Notice of establishment.
- 190.049 Special acts prohibited.

190.001 Short title.— This act may be cited as the “Uniform Community Development District Act of 1980.”

History.—s. 2, ch. 80-407.

190.002 Legislative findings, policies, and intent.—

(1) The Legislature finds that:

(a) There is a need for uniform, focused, and fair procedures in state law to provide a reasonable alternative for the establishment, power, operation, and duration of independent districts to manage and finance basic community development services; and that, based upon a proper and fair determination of applicable facts, an independent district can constitute a timely, efficient, effective, responsive, and economic way to deliver these basic services, thereby providing a solution to the state's planning, management, and financing needs for delivery of capital infrastructure in order to service projected growth without overburdening other governments and their taxpayers.

(b) It is in the public interest that any independent special district created pursuant to state law not outlive its usefulness and that the operation of such a district and the exercise by the district of its powers be consistent with applicable due process, disclosure, accountability, ethics, and government-in-the-sunshine requirements which apply both to governmental entities and to their elected and appointed officials.

(c) It is in the public interest that long-range planning, management, and financing and long-term maintenance, upkeep, and operation of basic services for community development districts be under one coordinated entity.

(2) It is the policy of this state:

(a) That the needless and indiscriminate proliferation, duplication, and fragmentation of local general-purpose government services by independent districts is not in the public interest.

(b) That independent districts are a legitimate alternative method available for use by the private and public sectors, as authorized by state law, to manage and finance basic services for community developments.

(c) That the exercise by any independent district of its powers as set forth by uniform general law comply with all applicable governmental laws, rules, regulations, and policies governing planning and permitting of the development to be serviced by the district, to ensure that neither the establishment nor operation of such district is a development order under chapter 380 and that the district so established does not have any zoning or permitting powers governing development.

(d) That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant.

(3) It is the legislative intent and purpose, based upon, and consistent with, its findings of fact and declarations of policy, to authorize a uniform procedure by general law to establish an independent special district as an alternative method to manage and finance basic services for community development. It is further the legislative intent and purpose to provide by general law for the uniform operation, exercise of power, and procedure for termination of any such independent district. It is further the purpose and intent of the Legislature that a district created under this chapter not have or exercise any zoning or development permitting power, that the establishment of the independent community development district as provided in this act not be a development order within the meaning of chapter 380, and that all applicable planning and permitting laws, rules, regulations, and policies control the development of the land to be serviced by the district. It is further the purpose and intent of the Legislature that no debt or obligation of a district constitute a burden on any local general-purpose government without its consent.

History.—s. 2, ch. 80-407; s. 1, ch. 84-360.

190.003 Definitions.— As used in this chapter, the term:

(1) "Ad valorem bonds" means bonds which are payable from the proceeds of ad valorem taxes levied on real and tangible personal property and which are generally referred to as general obligation bonds.

(2) "Assessable improvements" means, without limitation, any and all public improvements and community facilities that the district is empowered to provide in accordance with this act.

(3) "Assessment bonds" means special obligations of the district which are payable solely from proceeds of the special assessments levied for an assessable project.

(4) "Board" or "board of supervisors" means the governing board of the district or, if such board has been abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given to the board by this act have been given by law.

(5) "Bond" includes "certificate," and the provisions which are applicable to bonds are equally applicable to certificates. The term "bond" includes any general obligation bond, assessment bond, refunding bond, revenue bond, and other such obligation in the nature of a bond as is provided for in this act, as the case may be.

(6) "Community development district" means a local unit of special-purpose government which is created pursuant to this act and limited to the performance of those specialized functions authorized by this act; the governing head of which is a body created, organized, and constituted and authorized to function specifically as prescribed in this act for the purpose of the delivery of urban community development services; and the formation, powers, governing body, operation, duration, accountability, requirements for disclosure, and termination of which are as required by general law.

(7) "Compact, urban, mixed-use district" means a district located within a municipality and within a community redevelopment area created pursuant to s. 163.356, that consists of a maximum of 75 acres, and has development entitlements of at least 400,000 square feet of retail development and 500 residential units.

(8) "Cost," when used with reference to any project, includes, but is not limited to:

- (a) The expenses of determining the feasibility or practicability of acquisition, construction, or reconstruction.
- (b) The cost of surveys, estimates, plans, and specifications.
- (c) The cost of improvements.
- (d) Engineering, fiscal, and legal expenses and charges.
- (e) The cost of all labor, materials, machinery, and equipment.
- (f) The cost of all lands, properties, rights, easements, and franchises acquired.
- (g) Financing charges.
- (h) The creation of initial reserve and debt service funds.
- (i) Working capital.
- (j) Interest charges incurred or estimated to be incurred on money borrowed prior to and during construction and acquisition and for such reasonable period of time after completion of construction or acquisition as the board may determine.
- (k) The cost of issuance of bonds pursuant to this act, including advertisements and printing.
- (l) The cost of any election held pursuant to this act and all other expenses of issuance of bonds.
- (m) The discount, if any, on the sale or exchange of bonds.
- (n) Administrative expenses.
- (o) Such other expenses as may be necessary or incidental to the acquisition, construction, or reconstruction of any project or to the financing thereof, or to the development of any lands within the district.
- (p) Payments, contributions, dedications, fair share or concurrency obligations, and any other exactions required as a condition to receive any government approval or permit necessary to accomplish any district purpose.

(9) "District" means the community development district.

(10) "District manager" means the manager of the district.

(11) "District roads" means highways, streets, roads, alleys, sidewalks, landscaping, storm drains, bridges, and thoroughfares of all kinds and descriptions.

(12) "Elector" means a landowner or qualified elector.

(13) "General obligation bonds" means bonds which are secured by, or provide for their payment by, the pledge, in addition to those special taxes levied for their discharge and such other sources as may be provided for their payment or pledged as security under the resolution authorizing their issuance, of the full faith and credit and taxing power of the district and for payment of which recourse may be had against the general fund of the district.

(14) "Landowner" means the owner of a freehold estate as appears by the deed record, including a trustee, a private corporation, and an owner of a condominium unit; it does not include a reversioner, remainderman,

mortgagee, or any governmental entity, who shall not be counted and need not be notified of proceedings under this act. Landowner shall also mean the owner of a ground lease from a governmental entity, which leasehold interest has a remaining term, excluding all renewal options, in excess of 50 years.

(15) "Local general-purpose government" means a county, municipality, or consolidated city-county government.

(16) "Project" means any development, improvement, property, utility, facility, works, enterprise, or service now existing or hereafter undertaken or established under the provisions of this act.

(17) "Qualified elector" means any person at least 18 years of age who is a citizen of the United States, a legal resident of Florida and of the district, and who registers to vote with the supervisor of elections in the county in which the district land is located.

(18) "Refunding bonds" means bonds issued to refinance outstanding bonds of any type and the interest and redemption premium thereon. Refunding bonds shall be issuable and payable in the same manner as the refinanced bonds, except that no approval by the electorate shall be required unless required by the State Constitution.

(19) "Revenue bonds" means obligations of the district which are payable from revenues derived from sources other than ad valorem taxes on real or tangible personal property and which do not pledge the property, credit, or general tax revenue of the district.

(20) "Sewer system" means any plant, system, facility, or property, and additions, extensions, and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the collection, treatment, purification, or disposal of sewage, including, without limitation, industrial wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resource. Without limiting the generality of the foregoing, the term "sewer system" includes treatment plants, pumping stations, lift stations, valves, force mains, intercepting sewers, laterals, pressure lines, mains, and all necessary appurtenances and equipment; all sewer mains, laterals, and other devices for the reception and collection of sewage from premises connected therewith; and all real and personal property and any interest therein, rights, easements, and franchises of any nature relating to any such system and necessary or convenient for operation thereof.

(21) "Water management and control facilities" means any lakes, canals, ditches, reservoirs, dams, levees, sluiceways, floodways, curbs, gutters, pumping stations, or any other works, structures, or facilities for the conservation, control, development, utilization, and disposal of water, and any purposes appurtenant, necessary, or incidental thereto. The term "water management and control facilities" includes all real and personal property and any interest therein, rights, easements, and franchises of any nature relating to any such water management and control facilities or necessary or convenient for the acquisition, construction, reconstruction, operation, or maintenance thereof.

(22) "Water system" means any plant, system, facility, or property and additions, extensions, and improvements thereto at any future time constructed or acquired as part thereof, useful or necessary or having the present capacity for future use in connection with the development of sources, treatment, or purification and distribution of water. Without limiting the generality of the foregoing, the term "water system" includes dams, reservoirs, storage, tanks, mains, lines, valves, hydrants, pumping stations, chilled water distribution systems, laterals, and pipes for the purpose of carrying water to the premises connected with such system, and all rights, easements, and franchises of any nature relating to any such system and necessary or convenient for the operation thereof.

History.—s. 2, ch. 80-407; s. 2, ch. 84-360; s. 10, ch. 87-363; s. 2, ch. 91-308; s. 33, ch. 2000-364; s. 1, ch. 2007-160; s. 1, ch. 2009-142.

190.004 Preemption; sole authority.—

(1) This act constitutes the sole authorization for the future establishment of independent community development districts which have any of the specialized functions and powers provided by this act.

(2) The adoption of chapter 84-360, Laws of Florida, does not affect the validity of the establishment of any community development district or other special district existing on June 29, 1984; and existing community development districts will be subject to the provisions of chapter 190, as amended. All actions taken prior to July 1,

2000, by a community development district existing on June 29, 1984, if taken pursuant to the authority contained in chapter 80-407, Laws of Florida, or this chapter are hereby deemed to have adequate statutory authority. Nothing herein shall affect the validity of any outstanding indebtedness of a community development district established prior to June 29, 1984, and such district is hereby authorized to continue to comply with all terms and requirements of trust indentures or loan agreements relating to such outstanding indebtedness.

(3) The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and ordinances apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Community Planning Act. A district shall take no action which is inconsistent with applicable comprehensive plans, ordinances, or regulations of the applicable local general-purpose government.

(4) The exclusive charter for a community development district shall be the uniform community development district charter as set forth in ss. 190.006-190.041, including the special powers provided by s. 190.012.

History.—s. 2, ch. 80-407; s. 3, ch. 84-360; s. 27, ch. 85-55; s. 34, ch. 87-224; s. 34, ch. 99-378; s. 9, ch. 2000-304; s. 39, ch. 2011-139.

190.005 Establishment of district.—

(1) The exclusive and uniform method for the establishment of a community development district with a size of 2,500 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the Florida Land and Water Adjudicatory Commission. The petition shall contain:

1. A metes and bounds description of the external boundaries of the district. Any real property within the external boundaries of the district which is to be excluded from the district shall be specifically described, and the last known address of all owners of such real property shall be listed. The petition shall also address the impact of the proposed district on any real property within the external boundaries of the district which is to be excluded from the district.

2. The written consent to the establishment of the district by all landowners whose real property is to be included in the district or documentation demonstrating that the petitioner has control by deed, trust agreement, contract, or option of 100 percent of the real property to be included in the district, and when real property to be included in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), the written consent by such governmental entity.

3. A designation of five persons to be the initial members of the board of supervisors, who shall serve in that office until replaced by elected members as provided in s. 190.006.

4. The proposed name of the district.

5. A map of the proposed district showing current major trunk water mains and sewer interceptors and outfalls if in existence.

6. Based upon available data, the proposed timetable for construction of the district services and the estimated cost of constructing the proposed services. These estimates shall be submitted in good faith but are not binding and may be subject to change.

7. A designation of the future general distribution, location, and extent of public and private uses of land proposed for the area within the district by the future land use plan element of the effective local government comprehensive plan of which all mandatory elements have been adopted by the applicable general-purpose local government in compliance with the Community Planning Act.

8. A statement of estimated regulatory costs in accordance with the requirements of s. 120.541.

(b) Prior to filing the petition, the petitioner shall:

1. Pay a filing fee of \$15,000 to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of the land within, the external boundaries of the district.

2. Submit a copy of the petition to the county, if located within an unincorporated area, or to the municipality, if located within an incorporated area, and to each municipality the boundaries of which are contiguous with, or contain all or a portion of, the land within the external boundaries of the district.

3. If land to be included within a district is located partially within the unincorporated area of one or more counties and partially within a municipality or within two or more municipalities, pay a \$15,000 filing fee to each entity. Districts established across county boundaries shall be required to maintain records, hold meetings and hearings, and publish notices only in the county where the majority of the acreage within the district lies.

(c) Such county and each such municipality required by law to receive a petition may conduct a public hearing to consider the relationship of the petition to the factors specified in paragraph (e). The public hearing shall be concluded within 45 days after the date the petition is filed unless an extension of time is requested by the petitioner and granted by the county or municipality. The county or municipality holding such public hearing may by resolution express its support of, or objection to the granting of, the petition by the Florida Land and Water Adjudicatory Commission. A resolution must base any objection to the granting of the petition upon the factors specified in paragraph (e). Such county or municipality may present its resolution of support or objection at the Florida Land and Water Adjudicatory Commission hearing and shall be afforded an opportunity to present relevant information in support of its resolution.

(d) A local public hearing on the petition shall be conducted by a hearing officer in conformance with the applicable requirements and procedures of the Administrative Procedure Act. The hearing shall include oral and written comments on the petition pertinent to the factors specified in paragraph (e). The hearing shall be held at an accessible location in the county in which the community development district is to be located. The petitioner shall cause a notice of the hearing to be published in a newspaper at least once a week for the 4 successive weeks immediately prior to the hearing. Such notice shall give the time and place for the hearing, a description of the area to be included in the district, which description shall include a map showing clearly the area to be covered by the district, and any other relevant information which the establishing governing bodies may require. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published fewer than 5 days a week. In addition to being published in the newspaper, the map referenced above must be part of the online advertisement required pursuant to s. 50.0211. All affected units of general-purpose local government and the general public shall be given an opportunity to appear at the hearing and present oral or written comments on the petition.

(e) The Florida Land and Water Adjudicatory Commission shall consider the entire record of the local hearing, the transcript of the hearing, resolutions adopted by local general-purpose governments as provided in paragraph (c), and the following factors and make a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.
2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.
3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.
4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.
5. Whether the community development services and facilities of the district will be incompatible with the capacity and uses of existing local and regional community development services and facilities.

6. Whether the area that will be served by the district is amenable to separate special-district government.

(f) The Florida Land and Water Adjudicatory Commission shall not adopt any rule which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041, except as provided in s. 190.012. A rule establishing a community development district shall only contain the following:

1. A metes and bounds description of the external boundaries of the district and any real property within the external boundaries of the district which is to be excluded.

2. The names of five persons designated to be the initial members of the board of supervisors.

3. The name of the district.

(g) The Florida Land and Water Adjudicatory Commission may adopt rules setting forth its procedures for considering petitions to establish, expand, modify, or delete uniform community development districts or portions thereof consistent with the provisions of this section.

(2) The exclusive and uniform method for the establishment of a community development district of less than 2,500 acres in size or a community development district of up to 7,000 acres in size located within a connected-city corridor established pursuant to s. 163.3246(13) shall be pursuant to an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the county commission. The petition shall contain the same information as required in paragraph (1)(a).

(b) A public hearing on the petition shall be conducted by the county commission in accordance with the requirements and procedures of paragraph (1)(d).

(c) The county commission shall consider the record of the public hearing and the factors set forth in paragraph (1)(e) in making its determination to grant or deny a petition for the establishment of a community development district.

(d) The county commission may not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041. An ordinance establishing a community development district shall only include the matters provided for in paragraph (1)(f) unless the commission consents to any of the optional powers under s. 190.012(2) at the request of the petitioner.

(e) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipal corporation, then the petition requesting establishment of a community development district under this act shall be filed by the petitioner with that particular municipal corporation. In such event, the duties of the county, hereinabove described, in action upon the petition shall be the duties of the municipal corporation. If any of the land area of a proposed district is within the land area of a municipality, the county commission may not create the district without municipal approval. If all of the land in the area for the proposed district, even if less than 2,500 acres, is within the territorial jurisdiction of two or more municipalities or two or more counties, except for proposed districts within a connected-city corridor established pursuant to s. 163.3246(13), the petition shall be filed with the Florida Land and Water Adjudicatory Commission and proceed in accordance with subsection (1).

(f) Notwithstanding any other provision of this subsection, within 90 days after a petition for the establishment of a community development district has been filed pursuant to this subsection, the governing body of the county or municipal corporation may transfer the petition to the Florida Land and Water Adjudicatory Commission, which shall make the determination to grant or deny the petition as provided in subsection (1). A county or municipal corporation shall have no right or power to grant or deny a petition that has been transferred to the Florida Land and Water Adjudicatory Commission.

(3) The governing body of any existing special district, created to provide one or more of the public improvements and community facilities authorized by this act, may petition for reestablishment of the existing district as a community development district pursuant to this act. The petition shall contain the information specified in subparagraphs (1)(a)1., 3., 4., 5., 6., and 7. and shall not require payment of a fee pursuant to paragraph (1)(b). In such

case, the new district so formed shall assume the existing obligations, indebtedness, and guarantees of indebtedness of the district so subsumed, and the existing district shall be terminated.

History.—s. 2, ch. 80-407; ss. 4, 5, ch. 84-360; s. 28, ch. 85-55; s. 35, ch. 87-224; s. 34, ch. 96-410; s. 6, ch. 98-146; s. 35, ch. 99-378; s. 34, ch. 2000-364; s. 2, ch. 2007-160; s. 33, ch. 2008-4; s. 4, ch. 2009-142; s. 40, ch. 2011-139; s. 6, ch. 2012-212; s. 13, ch. 2015-30; s. 1, ch. 2016-94; s. 10, ch. 2018-158.

190.006 Board of supervisors; members and meetings.—

(1) The board of the district shall exercise the powers granted to the district pursuant to this act. The board shall consist of five members; except as otherwise provided herein, each member shall hold office for a term of 2 years or 4 years, as provided in this section, and until a successor is chosen and qualifies. The members of the board must be residents of the state and citizens of the United States.

(2)(a) Within 90 days following the effective date of the rule or ordinance establishing the district, there shall be held a meeting of the landowners of the district for the purpose of electing five supervisors for the district. Notice of the landowners' meeting shall be published once a week for 2 consecutive weeks in a newspaper which is in general circulation in the area of the district, the last day of such publication to be not fewer than 14 days or more than 28 days before the date of the election. The landowners, when assembled at such meeting, shall organize by electing a chair who shall conduct the meeting. The chair may be any person present at the meeting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions.

(b) At such meeting, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the district for each person to be elected. A landowner may vote in person or by proxy in writing. Each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property, or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy need not be notarized. A fraction of an acre shall be treated as 1 acre, entitling the landowner to one vote with respect thereto. For purposes of determining voting interests, platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots shall not be aggregated for determining the number of voting units held by a landowner or a landowner's proxy. The two candidates receiving the highest number of votes shall be elected for a period of 4 years, and the three candidates receiving the next largest number of votes shall be elected for a period of 2 years, with the term of office for each successful candidate commencing upon election. The members of the first board elected by landowners shall serve their respective 4-year or 2-year terms; however, the next election by landowners shall be held on the first Tuesday in November. Thereafter, there shall be an election of supervisors for the district every 2 years in November on a date established by the board and noticed pursuant to paragraph (a). The second and subsequent landowners' election shall be announced at a public meeting of the board at least 90 days prior to the date of the landowners' meeting and shall also be noticed pursuant to paragraph (a). Instructions on how all landowners may participate in the election, along with sample proxies, shall be provided during the board meeting that announces the landowners' meeting. The two candidates receiving the highest number of votes shall be elected to serve for a 4-year period, and the remaining candidate elected shall serve for a 2-year period.

(3)(a)1. If the board proposes to exercise the ad valorem taxing power authorized by s. 190.021, the district board shall call an election at which the members of the board of supervisors will be elected. Such election shall be held in conjunction with a primary or general election unless the district bears the cost of a special election. Each member shall be elected by the qualified electors of the district for a term of 4 years, except that, at the first such election, three members shall be elected for a period of 4 years and two members shall be elected for a period of 2 years. All elected board members must be qualified electors of the district.

2.a. Regardless of whether a district has proposed to levy ad valorem taxes, commencing 6 years after the initial appointment of members or, for a district exceeding 5,000 acres in area or for a compact, urban, mixed-use district, 10 years after the initial appointment of members, the position of each member whose term has expired shall be filled by

a qualified elector of the district, elected by the qualified electors of the district. However, for those districts established after June 21, 1991, and for those existing districts established after December 31, 1983, which have less than 50 qualified electors on June 21, 1991, sub-subparagraphs b. and d. shall apply. If, in the 6th year after the initial appointment of members, or 10 years after such initial appointment for districts exceeding 5,000 acres in area or for a compact, urban, mixed-use district, there are not at least 250 qualified electors in the district, or for a district exceeding 5,000 acres or for a compact, urban, mixed-use district, there are not at least 500 qualified electors, members of the board shall continue to be elected by landowners.

b. After the 6th or 10th year, once a district reaches 250 or 500 qualified electors, respectively, then the positions of two board members whose terms are expiring shall be filled by qualified electors of the district, elected by the qualified electors of the district for 4-year terms. The remaining board member whose term is expiring shall be elected for a 4-year term by the landowners and is not required to be a qualified elector. Thereafter, as terms expire, board members shall be qualified electors elected by qualified electors of the district for a term of 4 years.

c. Once a district qualifies to have any of its board members elected by the qualified electors of the district, the initial and all subsequent elections by the qualified electors of the district shall be held at the general election in November. The board shall adopt a resolution if necessary to implement this requirement when the board determines the number of qualified electors as required by sub-subparagraph d., to extend or reduce the terms of current board members.

d. On or before June 1 of each year, the board shall determine the number of qualified electors in the district as of the immediately preceding April 15. The board shall use and rely upon the official records maintained by the supervisor of elections and property appraiser or tax collector in each county in making this determination. Such determination shall be made at a properly noticed meeting of the board and shall become a part of the official minutes of the district.

(b) Elections of board members by qualified electors held pursuant to this subsection shall be nonpartisan and shall be conducted in the manner prescribed by law for holding general elections. The district shall publish a notice of the qualifying period set by the supervisor of elections for each election at least 2 weeks prior to the start of the qualifying period. Board members shall assume the office on the second Tuesday following their election. If no elector qualifies for a seat to be filled in an election, a vacancy in that seat shall be declared by the board effective on the second Tuesday following the election. Within 90 days thereafter, the board shall appoint a qualified elector to fill the vacancy. Until such appointment, the incumbent board member in that seat shall remain in office.

(c) Candidates seeking election to office by qualified electors under this subsection shall conduct their campaigns in accordance with the provisions of chapter 106 and shall file qualifying papers and qualify for individual seats in accordance with s. 99.061.

(d) The supervisor of elections shall appoint the inspectors and clerks of elections, prepare and furnish the ballots, designate polling places, and canvass the returns of the election of board members by qualified electors. The county canvassing board shall declare and certify the results of the election.

(4) Members of the board shall be known as supervisors and, upon entering into office, shall take and subscribe to the oath of office as prescribed by s. 876.05. They shall hold office for the terms for which they were elected or appointed and until their successors are chosen and qualified. If, during the term of office, a vacancy occurs, the remaining members of the board shall fill the vacancy by an appointment for the remainder of the unexpired term.

(5) A majority of the members of the board constitutes a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. Action taken by the district shall be upon a vote of a majority of the members present unless general law or a rule of the district requires a greater number.

(6) As soon as practicable after each election or appointment, the board shall organize by electing one of its members as chair and by electing a secretary, who need not be a member of the board, and such other officers as the board may deem necessary.

(7) The board shall keep a permanent record book entitled "Record of Proceedings of (name of district) Community Development District," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates,

bonds given by all employees, and any and all corporate acts. The record book shall at reasonable times be opened to inspection in the same manner as state, county, and municipal records pursuant to chapter 119. The record book shall be kept at the office or other regular place of business maintained by the board in the county or municipality in which the district is located or within the boundaries of a development of regional impact or Florida Quality Development, or combination of a development of regional impact and Florida Quality Development, which includes the district.

(8) Each supervisor shall be entitled to receive for his or her services an amount not to exceed \$200 per meeting of the board of supervisors, not to exceed \$4,800 per year per supervisor, or an amount established by the electors at referendum. In addition, each supervisor shall receive travel and per diem expenses as set forth in s. 112.061.

(9) All meetings of the board shall be open to the public and governed by the provisions of chapter 286.

History.—s. 2, ch. 80-407; s. 6, ch. 84-360; s. 23, ch. 85-80; s. 3, ch. 91-308; s. 962, ch. 95-147; s. 36, ch. 99-378; s. 19, ch. 2000-158; s. 35, ch. 2004-345; s. 32, ch. 2004-353; s. 3, ch. 2007-160; s. 33, ch. 2008-95; s. 2, ch. 2009-142.

190.007 Board of supervisors; general duties.—

(1) The board shall employ, and fix the compensation of, a district manager. The district manager shall have charge and supervision of the works of the district and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this act, for maintaining and operating the equipment owned by the district, and for performing such other duties as may be prescribed by the board. It shall not be a conflict of interest under chapter 112 for a board member or the district manager or another employee of the district to be a stockholder, officer, or employee of a landowner or of an entity affiliated with a landowner. The district manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be as provided by the board.

(2) The board shall designate a person who is a resident of the state as treasurer of the district, who shall have charge of the funds of the district. Such funds shall be disbursed only upon the order, or pursuant to the resolution, of the board by warrant or check countersigned by the treasurer and by such other person as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate and may fix his or her compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The financial records of the board shall be audited by an independent certified public accountant at least once a year.

(3) The board is authorized to select as a depository for its funds any qualified public depository as defined in s. 280.02 which meets all the requirements of chapter 280 and has been designated by the Chief Financial Officer as a qualified public depository, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

History.—s. 2, ch. 80-407; s. 7, ch. 84-360; s. 32, ch. 86-191; s. 963, ch. 95-147; s. 170, ch. 2003-261; s. 4, ch. 2007-160.

190.008 Budget; reports and reviews.—

(1) The district shall provide financial reports in such form and such manner as prescribed pursuant to this chapter and chapter 218.

(2)(a) On or before each June 15, the district manager shall prepare a proposed budget for the ensuing fiscal year to be submitted to the board for board approval. The proposed budget shall include at the direction of the board an estimate of all necessary expenditures of the district for the ensuing fiscal year and an estimate of income to the district from the taxes, assessments, and other revenues provided in this act. The board shall consider the proposed budget item by item and may either approve the budget as proposed by the district manager or modify the same in part or in whole. The board shall indicate its approval of the budget by resolution, which resolution shall provide for a hearing on the budget as approved. Notice of the hearing on the budget shall be published in a newspaper of general circulation in the area of the district once a week for 2 consecutive weeks, except that the first publication shall be not

fewer than 15 days prior to the date of the hearing. The notice shall further contain a designation of the day, time, and place of the public hearing. At the time and place designated in the notice, the board shall hear all objections to the budget as proposed and may make such changes as the board deems necessary. At the conclusion of the budget hearing, the board shall, by resolution, adopt the budget as finally approved by the board. The budget shall be adopted prior to October 1 of each year.

(b) At least 60 days prior to adoption, the district board shall submit to the local governing authorities having jurisdiction over the area included in the district, for purposes of disclosure and information only, the proposed annual budget for the ensuing fiscal year and any proposed long-term financial plan or program of the district for future operations.

(c) The local governing authorities may review the proposed annual budget and any long-term financial plan or program and may submit written comments to the board for its assistance and information in adopting its annual budget and long-term financial plan or program.

History.—s. 2, ch. 80-407; s. 5, ch. 2007-160.

190.009 Disclosure of public financing.—

(1) The district shall take affirmative steps to provide for the full disclosure of information relating to the public financing and maintenance of improvements to real property undertaken by the district. Such information shall be made available to all existing residents, and to all prospective residents, of the district. The district shall furnish each developer of a residential development within the district with sufficient copies of that information to provide each prospective initial purchaser of property in that development with a copy, and any developer of a residential development within the district, when required by law to provide a public offering statement, shall include a copy of such information relating to the public financing and maintenance of improvements in the public offering statement. The district shall file the disclosure documents required by this subsection and any amendments thereto in the property records of each county in which the district is located.

(2) The Department of Economic Opportunity shall keep a current list of districts and their disclosures pursuant to this act and shall make such studies and reports and take such actions as it deems necessary.

History.—s. 2, ch. 80-407; s. 17, ch. 81-167; s. 15, ch. 83-55; s. 1, ch. 85-60; s. 2, ch. 90-46; s. 9, ch. 94-218; s. 37, ch. 99-378; s. 6, ch. 2007-160; s. 10, ch. 2008-240; s. 70, ch. 2011-142.

190.011 General powers.— The district shall have, and the body may exercise, the following powers:

(1) To sue and be sued in the name of the district; to adopt and use a seal and authorize the use of a facsimile thereof; to acquire, by purchase, gift, devise, or otherwise, and to dispose of, real and personal property, or any estate therein; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(2) To apply for coverage of its employees under the state retirement system in the same manner as if such employees were state employees, subject to necessary action by the district to pay employer contributions into the state retirement fund.

(3) To contract for the services of consultants to perform planning, engineering, legal, or other appropriate services of a professional nature. Such contracts shall be subject to public bidding or competitive negotiation requirements as set forth in s. 190.033.

(4) To borrow money and accept gifts; to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith; and to hold, use, and dispose of such moneys or property for any district purposes in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

(5) To adopt rules and orders pursuant to the provisions of chapter 120 prescribing the powers, duties, and functions of the officers of the district; the conduct of the business of the district; the maintenance of records; and the form of certificates evidencing tax liens and all other documents and records of the district. The board may also adopt

administrative rules with respect to any of the projects of the district and define the area to be included therein. The board may also adopt resolutions which may be necessary for the conduct of district business.

(6) To maintain an office at such place or places as it may designate within a county in which the district is located or within the boundaries of a development of regional impact or a Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, which includes the district, which office must be reasonably accessible to the landowners. Meetings pursuant to s. 189.015(3) of a district within the boundaries of a development of regional impact or Florida Quality Development, or a combination of a development of regional impact and a Florida Quality Development, may be held at such office.

(7)(a) To hold, control, and acquire by donation, purchase, or condemnation, or dispose of, any public easements, dedications to public use, platted reservations for public purposes, or any reservations for those purposes authorized by this act and to make use of such easements, dedications, or reservations for any of the purposes authorized by this act.

(b) When real property in the district is owned by a governmental entity and subject to a ground lease as described in s. 190.003(14), to collect ground rent from landowners pursuant to a contract with such governmental entity and to contract with the county tax collector for collection of such ground rent using the procedures authorized in s. 197.3631, other than the procedures contained in s. 197.3632.

(8) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the district is authorized to undertake and facilities or property of any nature for the use of the district to carry out any of the purposes authorized by this act.

(9) To borrow money and issue bonds, certificates, warrants, notes, or other evidence of indebtedness as hereinafter provided; to levy such tax and special assessments as may be authorized; and to charge, collect, and enforce fees and other user charges.

(10) To raise, by user charges or fees authorized by resolution of the board, amounts of money which are necessary for the conduct of the district activities and services and to enforce their receipt and collection in the manner prescribed by resolution not inconsistent with law.

(11) To exercise within the district, or beyond the district with prior approval by resolution of the governing body of the county if the taking will occur in an unincorporated area or with prior approval by resolution of the governing body of the municipality if the taking will occur within a municipality, the right and power of eminent domain, pursuant to the provisions of chapters 73 and 74, over any property within the state, except municipal, county, state, and federal property, for the uses and purposes of the district relating solely to water, sewer, district roads, and water management, specifically including, without limitation, the power for the taking of easements for the drainage of the land of one person over and through the land of another.

(12) To cooperate with, or contract with, other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.

(13) To assess and impose upon lands in the district ad valorem taxes as provided by this act.

(14) To determine, order, levy, impose, collect, and enforce special assessments pursuant to this act and chapter 170. Such special assessments may, in the discretion of the district, be collected and enforced pursuant to the provisions of ss. 197.3631, 197.3632, and 197.3635, chapter 170, or chapter 173.

(15) To exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by this act.

(16) To exercise such special powers as may be authorized by this act.

History.—s. 2, ch. 80-407; s. 8, ch. 84-360; s. 46, ch. 89-169; s. 4, ch. 91-308; s. 38, ch. 99-378; s. 1, ch. 2003-39; s. 7, ch. 2007-160; s. 5, ch. 2009-142; s. 69, ch. 2014-22.

190.012 Special powers; public improvements and community facilities.—The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies,

agencies, and special districts having authority with respect to any area included therein, any or all of the following special powers relating to public improvements and community facilities authorized by this act:

(1) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

(a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges.

(b) Water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.

(d)1. District roads equal to or exceeding the applicable specifications of the county in which such district roads are located; roads and improvements to existing public roads that are owned by or conveyed to the local general-purpose government, the state, or the Federal Government; street lights; alleys; landscaping; hardscaping; and the undergrounding of electric utility lines. Districts may request the underground placement of utility lines by the local retail electric utility provider in accordance with the utility's tariff on file with the Public Service Commission and may finance the required contribution.

2. Buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, and related signage.

(e) Investigation and remediation costs associated with the cleanup of actual or perceived environmental contamination within the district under the supervision or direction of a competent governmental authority unless the covered costs benefit any person who is a landowner within the district and who caused or contributed to the contamination.

(f) Conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property.

(g) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located.

(h) Any other project, facility, or service required by a development approval, interlocal agreement, zoning condition, or permit issued by a governmental authority with jurisdiction in the district.

(2) After the local general-purpose government within the jurisdiction of which a power specified in this subsection is to be exercised consents to the exercise of such power by the district, the district shall have the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for:

(a) Parks and facilities for indoor and outdoor recreational, cultural, and educational uses.

(b) Fire prevention and control, including fire stations, water mains and plugs, fire trucks, and other vehicles and equipment.

(c) School buildings and related structures and site improvements, which may be leased, sold, or donated to the school district, for use in the educational system when authorized by the district school board.

(d) Security, including, but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, when authorized by proper governmental agencies; except that the district may not exercise any police power, but may contract with the appropriate local general-purpose government agencies for an increased level of such services within the district boundaries. However, this paragraph does not prohibit a district from contracting with a towing operator to remove a vehicle or vessel from a district-owned facility or property if the district follows

the authorization and notice and procedural requirements in s. 715.07 for an owner or lessee of private property. The district's selection of a towing operator is not subject to public bidding if the towing operator is included in an approved list of towing operators maintained by the local government that has jurisdiction over the district's facility or property.

(e) Control and elimination of mosquitoes and other arthropods of public health importance.

(f) Waste collection and disposal.

(3) To adopt and enforce appropriate rules following the procedures of chapter 120, in connection with the provision of one or more services through its systems and facilities.

(4)(a) To adopt rules necessary for the district to enforce certain deed restrictions pertaining to the use and operation of real property within the district and outside the district pursuant to an interlocal agreement under chapter 163 if within another district or, if not within another district, with the consent of the county or municipality in which the deed restriction enforcement is proposed to occur. For the purpose of this subsection, the term "deed restrictions" means those covenants, conditions, restrictions, compliance mechanisms, and enforcement remedies contained in any applicable declarations of covenants and restrictions that govern the use and operation of real property and, for which covenants, conditions, and restrictions, there is no homeowners' association or property owner's association having respective enforcement powers unless, with respect to a homeowners' association whose board is under member control, the association and the district agree in writing to enforcement by the district. The district may adopt by rule all or certain portions of the deed restrictions that:

1. Relate to limitations, prohibitions, compliance mechanisms, or enforcement remedies that apply only to external appearances or uses and are deemed by the district to be generally beneficial for the district's landowners and for which enforcement by the district is appropriate, as determined by the district's board of supervisors; or

2. Are consistent with the requirements of a development order or regulatory agency permit.

(b) The board may vote to adopt such rules only when all of the following conditions exist:

1. The district was in existence on the effective date of this subsection, or is located within a development that consists of multiple developments of regional impact and a Florida Quality Development.

2. For residential districts, the majority of the board has been elected by qualified electors pursuant to the provisions of s. 190.006.

3. For residential districts, less than 25 percent of residential units are in a homeowners' association.

4. The declarant in any applicable declarations of covenants and restrictions has provided the board with a written agreement that such rules may be adopted. A memorandum of the agreement shall be recorded in the public records.

(c) Within 60 days after such rules take effect, the district shall record a notice of rule adoption stating generally what rules were adopted and where a copy of the rules may be obtained. Districts may impose fines for violations of such rules and enforce such rules and fines in circuit court through injunctive relief.

(d) The owners of property located outside the boundary of the district shall elect an advisor to the district board pursuant to paragraph (e). The sole responsibilities of the district board advisor are to review enforcement actions proposed by the district board against properties located outside the district and make recommendations relating to those proposed actions. Before the district board may enforce its rules against any owner of property located outside the district, the district board shall request the district board advisor to make a recommendation on the proposed enforcement action. The district board advisor must render a recommendation within 30 days after receiving a request from the district board or is deemed to have no objection to the district board's proposed decision or action.

(e)1. Whenever an interlocal agreement is entered into pursuant to paragraph (a), a district board advisor seat shall be created for one elected landowner whose property is within the jurisdiction of the governmental entity entering into the interlocal agreement but not within the boundaries of the district. The district board advisor shall be elected by landowners whose land is subject to enforcement by the district but whose land is not within the boundaries of the district. The district board advisor shall be elected for a 2-year term. The first election for a district board advisor shall be within 90 days after the effective date of the interlocal agreement between the district and the government entity.

2. The election of the district board advisor shall occur at a meeting of eligible landowners. The district shall publish notice of the meeting and election once a week for 2 consecutive weeks in a newspaper of general circulation in the area of the parties to the interlocal agreement. The notice must include instructions on how all landowners may participate in the election and how to obtain a proxy form. The last day of publication may not be less than 14 days or more than 28 days before the date of the election. The landowners, when assembled at the meeting, shall organize by electing a chair who shall conduct the meeting. The chair may be any person present at the meeting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions.

3. At the meeting, each landowner is entitled to cast one vote per acre of land owned by him or her and located within the district for each person to be elected. A landowner may vote in person or by proxy in writing. Each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property, or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy need not be notarized. A fraction of an acre shall be treated as 1 acre, entitling the landowner to one vote with respect thereto. For purposes of determining voting interests, platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots may not be aggregated for purposes of determining the number of voting units held by a landowner or a landowner's proxy.

4. If a vacancy occurs in the district advisor seat, a special landowner election shall be held within 60 days after the vacancy using the notice, proxy, and acreage voting provisions of this subsection.

History.—s. 2, ch. 80-407; s. 51, ch. 83-217; s. 9, ch. 84-360; s. 47, ch. 89-169; s. 8, ch. 93-51; s. 39, ch. 99-378; s. 15, ch. 2000-317; s. 47, ch. 2000-364; s. 33, ch. 2004-345; s. 30, ch. 2004-353; s. 8, ch. 2007-160; s. 9, ch. 2009-142; s. 2, ch. 2016-94; s. 11, ch. 2018-158.

190.0125 Purchase, privatization, or sale of water, sewer, or wastewater reuse utility by district.— No community development district may purchase or sell a water, sewer, or wastewater reuse utility that provides service to the public for compensation, or enter into a wastewater facility privatization contract for a wastewater facility, until the governing body of the community development district has held a public hearing on the purchase, sale, or wastewater facility privatization contract and made a determination that the purchase, sale, or wastewater facility privatization contract is in the public interest. In determining if the purchase, sale, or wastewater facility privatization contract is in the public interest, the community development district shall consider, at a minimum, the following:

- (1) The most recent available income and expense statement for the utility;
- (2) The most recent available balance sheet for the utility, listing assets and liabilities and clearly showing the amount of contributions-in-aid-of-construction and the accumulated depreciation thereon;
- (3) A statement of the existing rate base of the utility for regulatory purposes;
- (4) The physical condition of the utility facilities being purchased, sold, or subject to a wastewater facility privatization contract;
- (5) The reasonableness of the purchase, sales, or wastewater facility privatization contract price and terms;
- (6) The impacts of the purchase, sale, or wastewater facility privatization contract on utility customers, both positive and negative;

(7)(a) Any additional investment required and the ability and willingness of the purchaser or the private firm under a wastewater facility privatization contract to make that investment, whether the purchaser is the community development district or the entity purchasing the utility from the community development district;

(b) In the case of a wastewater facility privatization contract, the terms and conditions on which the private firm will provide capital investment and financing or a combination thereof for contemplated capital replacements, additions, expansions, and repairs. The community development district shall give significant weight to this criteria.

(8) The alternatives to the purchase, sale, or wastewater facility privatization contract and the potential impact on utility customers if the purchase, sale, or wastewater facility privatization contract is not made;

(9)(a) The ability of the purchaser or the private firm under a wastewater facility privatization contract to provide and maintain high-quality and cost-effective utility service, whether the purchaser is the community development district or the entity purchasing the utility from the community development district;

(b) In the case of a wastewater facility privatization contract, the community development district shall give significant weight to the technical expertise and experience of the private firm in carrying out the obligations specified in the wastewater facility privatization contract; and

(10) All moneys paid by a private firm to a community development district pursuant to a wastewater facility privatization contract shall be used for the purpose of reducing or offsetting property taxes, wastewater service rates, or debt reduction or making infrastructure improvements or capital asset expenditures or other public purpose; provided, however, nothing herein shall preclude the community development district from using all or part of the moneys for the purpose of the community development district's qualification for relief from the repayment of federal grant awards associated with the wastewater system as may be required by federal law or regulation.

The community development district shall prepare a statement showing that the purchase, sale, or wastewater facility privatization contract is in the public interest, including a summary of the purchaser's or private firm's experience in water, sewer, or wastewater reuse utility operation and a showing of financial ability to provide the service, whether the purchaser or private firm is the community development district or the entity purchasing the utility from the community development district.

History.—s. 3, ch. 84-84; s. 9, ch. 93-51; s. 9, ch. 96-202.

190.013 Water management and control plan.— In the event that the board assumes the responsibility for providing water management and control for the district as provided in s. 190.012(1)(a) which is to be financed by benefit special assessments, the board shall proceed to adopt water management and control plans, assess for benefits, and apportion and levy special assessments, as follows:

(1) The board shall cause to be made by the district's engineer, or such other engineer or engineers as the board may employ for that purpose, complete and comprehensive water management and control plans for the lands located within the district that will be improved in any part or in whole by any system of facilities that may be outlined and adopted, and the engineer shall make a report in writing to the board with maps and profiles of said surveys and an estimate of the cost of carrying out and completing the plans.

(2) Upon the completion of such plans, the board shall hold a hearing thereon to hear objections thereto, shall give notice of the time and place fixed for such hearing by publication once each week for 2 consecutive weeks in a newspaper of general circulation in the general area of the district, and shall permit the inspection of the plan at the office of the district by all persons interested. All objections to the plan shall be filed at or before the time fixed in the notice for the hearing and shall be in writing.

(3) After the hearing, the board shall consider the proposed plan and any objections thereto and may modify, reject, or adopt the plan or continue the hearing to a day certain for further consideration of the proposed plan or modifications thereof.

(4) When the board approves a plan, a resolution shall be adopted and a certified copy thereof shall be filed in the office of the secretary and incorporated by him or her into the records of the district.

(5) The water management and control plan may be altered in detail from time to time until the appraisal record herein provided is filed, but not in such manner as to affect materially the conditions of its adoption. After the appraisal record has been filed, no alteration of the plan shall be made, except as provided by this act.

(6) Within 20 days after the final adoption of the plan by the board, the board shall proceed pursuant to s. 298.301.

History.—s. 2, ch. 80-407; s. 5, ch. 91-308; s. 964, ch. 95-147; s. 26, ch. 97-40.

190.014 Issuance of bond anticipation notes.— In addition to the other powers provided for in this act, and not in limitation thereof, the district shall have the power, at any time, and from time to time after the issuance of any bonds

of the district shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal sum not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate as the board may determine in compliance with s. 215.84, mature at such time or times not later than 5 years from the date of issuance, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may, in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any taxes or assessments levied for the payment of such bonds; but in such event a like amount of the bonds authorized shall not be issued. Non-ad valorem assessments levied to pay interest on bond anticipation notes shall not constitute an installment of assessments under s. 190.022.

History.—s. 2, ch. 80-407; s. 9, ch. 83-215; s. 9, ch. 2007-160.

190.015 Short-term borrowing.— The district at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the district or any costs incurred or that may be incurred in connection with any of the projects of the district, which loans shall bear such interest as the board may determine in compliance with s. 215.84, and may be payable from and secured by a pledge of such funds, revenues, taxes, and assessments as the board may determine, subject, however, to the provisions contained in any proceeding under which bonds were theretofore issued and are then outstanding. For the purpose of defraying such costs and expenses, the district may issue negotiable notes, warrants, or other evidences of debt to be payable at such times, to bear such interest as the board may determine in compliance with s. 215.84, and to be sold or discounted at such price or prices not less than 95 percent of par value and on such terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, taxes, and assessments of the district. The approval of the electors residing in the district shall not be necessary except when required by the State Constitution.

History.—s. 2, ch. 80-407; s. 80, ch. 81-259; s. 10, ch. 83-215.

190.016 Bonds.—

(1) **SALE OF BONDS.**—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may be sold at public or private sale after such advertisement, if any, as the board may deem advisable but not in any event at less than 90 percent of the par value thereof, together with accrued interest thereon. Bonds may be sold or exchanged for refunding bonds. Special assessment and revenue bonds may be delivered by the district as payment of the purchase price of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price or exchange for any property, real, personal, or mixed, including franchises or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine. The price or prices for any bonds sold, exchanged, or delivered may be:

- (a) The money paid for the bonds;
- (b) The principal amount, plus accrued interest to the date of redemption or exchange, or outstanding obligations exchanged for refunding bonds; and
- (c) In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.

(2) **AUTHORIZATION AND FORM OF BONDS.**— Any general obligation bonds, benefit bonds, or revenue bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all the members thereof then in office. Such resolution or resolutions may be adopted at the same meeting at which they are introduced and need not be published or posted. The board may, by resolution, authorize the issuance of bonds and fix the aggregate amount of bonds to be issued; the purpose or purposes for which the moneys derived therefrom shall be

expended, including, but not limited to, payment of costs as defined in s. 190.003(8); the rate or rates of interest, in compliance with s. 215.84; the denomination of the bonds; whether or not the bonds are to be issued in one or more series; the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance; the medium of payment; the place or places within or without the state where payment shall be made; registration privileges; redemption terms and privileges, whether with or without premium; the manner of execution; the form of the bonds, including any interest coupons to be attached thereto; the manner of execution of bonds and coupons; and any and all other terms, covenants, and conditions thereof and the establishment of revenue or other funds. Such authorizing resolution or resolutions may further provide for the contracts authorized by s. 159.825(1)(f) and (g) regardless of the tax treatment of such bonds being authorized, subject to the finding by the board of a net saving to the district resulting by reason thereof. Such authorizing resolution may further provide that such bonds may be executed in accordance with the Registered Public Obligations Act, except that bonds not issued in registered form shall be valid if manually countersigned by an officer designated by appropriate resolution of the board. The seal of the district may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery.

(3) **INTERIM CERTIFICATES; REPLACEMENT CERTIFICATES.**—Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The board may also provide for the replacement of any bonds which become mutilated, lost, or destroyed.

(4) **NEGOTIABILITY OF BONDS.**—Any bond issued under this act or any temporary bond, in the absence of an express recital on the face thereof that it is nonnegotiable, shall be fully negotiable and shall be and constitute a negotiable instrument within the meaning and for all purposes of the law merchant and the laws of the state.

(5) **DEFEASANCE.**—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the district in any revenues, funds, or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption and the whole amount of the principal and interest and premium, if any, due and payable upon the bonds or obligations then outstanding shall be held in trust for such purpose and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease, terminate, and become void; and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to any lawful purpose of the district as the board shall determine.

(6) **ISSUANCE OF ADDITIONAL BONDS.**—If the proceeds of any bonds are less than the cost of completing the project in connection with which such bonds were issued, the board may authorize the issuance of additional bonds, upon such terms and conditions as the board may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.

(7) **REFUNDING BONDS.**—The district shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the district that at the time of such issuance are or subsequently thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the board. Refunding bonds may be issued at any time when in the judgment of the board such issuance will be advantageous to the district. No approval of the qualified electors residing in the district shall be required for the issuance of refunding bonds except in cases in which such approval is required by the State Constitution. The board may by resolution confer upon the holders of such refunding bonds all rights, powers, and remedies to which the

holders would be entitled if they continued to be the owners and had possession of the bonds for the refinancing of which such refunding bonds are issued, including, but not limited to, the preservation of the lien of such bonds on the revenues of any project or on pledged funds, without extinguishment, impairment, or diminution thereof. The provisions of this act pertaining to bonds of the district shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to them.

(8) REVENUE BONDS.—

(a) The district shall have the power to issue revenue bonds from time to time without limitation as to amount. Such revenue bonds may be secured by, or payable from, the gross or net pledge of the revenues to be derived from any project or combination of projects; from the rates, fees, or other charges to be collected from the users of any project or projects; from any revenue-producing undertaking or activity of the district; from special assessments; or from any other source or pledged security. Such bonds shall not constitute an indebtedness of the district, and the approval of the qualified electors shall not be required unless such bonds are additionally secured by the full faith and credit and taxing power of the district.

(b) Any two or more projects may be combined and consolidated into a single project and may hereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more of such projects, regardless of whether or not such projects have been combined and consolidated into a single project. If the board deems it advisable, the proceedings authorizing such revenue bonds may provide that the district may thereafter combine the projects then being financed or theretofore financed with other projects to be subsequently financed by the district and that revenue bonds to be thereafter issued by the district shall be on parity with the revenue bonds then being issued, all on such terms, conditions, and limitations as shall have been provided in the proceeding which authorized the original bonds.

(9) GENERAL OBLIGATION BONDS.—

(a) The district shall have the power from time to time to issue general obligation bonds to finance or refinance capital projects or to refund outstanding bonds in an aggregate principal amount of bonds outstanding at any one time not in excess of 35 percent of the assessed value of the taxable property within the district as shown on the pertinent tax records at the time of the authorization of the general obligation bonds for which the full faith and credit of the district is pledged. Except for refunding bonds, no general obligation bonds shall be issued unless the bonds are issued to finance or refinance a capital project and the issuance has been approved at an election held in accordance with the requirements for such election as prescribed by the State Constitution. Such elections shall be called to be held in the district by the board of county commissioners of the county upon the request of the board of the district. The expenses of calling and holding an election shall be at the expense of the district, and the district shall reimburse the county for any expenses incurred in calling or holding such election.

(b) The district may pledge its full faith and credit for the payment of the principal and interest on such general obligation bonds and for any reserve funds provided therefor and may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all taxable property in the district, to the extent necessary for the payment thereof, without limitations as to rate or amount.

(c) If the board determines to issue general obligation bonds for more than one capital project, the approval of the issuance of the bonds for each and all such projects may be submitted to the electors on one and the same ballot. The failure of the electors to approve the issuance of bonds for any one or more capital projects shall not defeat the approval of bonds for any capital project which has been approved by the electors.

(d) In arriving at the amount of general obligation bonds permitted to be outstanding at any one time pursuant to paragraph (a), there shall not be included any general obligation bonds which are additionally secured by the pledge of:

1. Special assessments levied in an amount sufficient to pay the principal and interest on the general obligation bonds so additionally secured, which assessments have been equalized and confirmed by resolution or ordinance of the board pursuant to s. 170.08.

2. Water revenues, sewer revenues, or water and sewer revenues of the district to be derived from user fees in an amount sufficient to pay the principal and interest on the general obligation bonds so additionally secured.

3. Any combination of assessments and revenues described in subparagraphs 1. and 2.

(10) BONDS AS LEGAL INVESTMENT OR SECURITY.—

(a) Notwithstanding any provisions of any other law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state and shall be and constitute security which may be deposited by banks or trust companies as security for deposits of state, county, municipal, or other public funds or by insurance companies as required or voluntary statutory deposits.

(b) Any bonds issued by the district shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof.

(11) COVENANTS.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable, and all such covenants shall constitute valid and legally binding and enforceable contracts between the district and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds; the use and disposition of project revenues; the pledging of revenues, taxes, and assessments; the obligations of the district with respect to the operation of the project and the maintenance of adequate project revenues; the issuance of additional bonds; the appointment, powers, and duties of trustees and receivers; the acquisition of outstanding bonds and obligations; restrictions on the establishing of competing projects or facilities; restrictions on the sale or disposal of the assets and property of the district; the priority of assessment liens; the priority of claims by bondholders on the taxing power of the district; the maintenance of deposits to assure the payment of revenues by users of district facilities and services; the discontinuance of district services by reason of delinquent payments; acceleration upon default; the execution of necessary instruments; the procedure for amending or abrogating covenants with the bondholders; and such other covenants as may be deemed necessary or desirable for the security of the bondholders.

(12) VALIDATION PROCEEDINGS.—The power of the district to issue bonds under the provisions of this act may be determined, and any of the bonds of the district maturing over a period of more than 5 years shall be validated and confirmed, by court decree, under the provisions of chapter 75 and laws amendatory thereof or supplementary thereto.

(13) ACT FURNISHES FULL AUTHORITY FOR ISSUANCE OF BONDS.—This act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the district provided herein. No procedures or proceedings, publications, notices, consents, approvals, orders, acts, or things by the board, or any board, officers, commission, department, agency, or instrumentality of the district, other than those required by this act, shall be required to perform anything under this act, except that the issuance or sale of bonds pursuant to the provisions of this act shall comply with the general law requirements applicable to the issuance or sale of bonds by the district. Nothing in this act shall be construed to authorize the district to utilize bond proceeds to fund the ongoing operations of the district.

(14) PLEDGE BY THE STATE TO THE BONDHOLDERS OF THE DISTRICT.—The state pledges to the holders of any bonds issued under this act that it will not limit or alter the rights of the district to own, acquire, construct, reconstruct, improve, maintain, operate, or furnish the projects or to levy and collect the taxes, assessments, rentals, rates, fees, and other charges provided for herein and to fulfill the terms of any agreement made with the holders of such bonds or other obligations and that it will not in any way impair the rights or remedies of such holders.

(15) DEFAULT.—A default on the bonds or obligations of a district shall not constitute a debt or obligation of a local general-purpose government or the state.

History.—s. 2, ch. 80-407; s. 11, ch. 83-215; s. 10, ch. 84-360; s. 24, ch. 85-80; s. 6, ch. 91-308; s. 965, ch. 95-147; s. 8, ch. 98-47; s. 6, ch. 2009-142.

190.017 Trust agreements.— Any issue of bonds shall be secured by a trust agreement by and between the district and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the district and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including, without limitation, covenants setting forth the duties of the district in relation to: the acquisition, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects; the fixing and revising of the rates, fees, and charges; and the custody, safeguarding, and application of all moneys and for the employment of consulting engineers in connection with such acquisition, construction, reconstruction, improvement, maintenance, repair, or operation. It shall be lawful for any bank or trust company within or without the state which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the district. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of proceeds of the sale of the bonds and the revenues of any project to such officer, board, or depository as it may designate for the custody thereof and may provide for the method of disbursement thereof with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation of the project to which such trust agreement pertains.

History.— s. 2, ch. 80-407.

190.021 Taxes; non-ad valorem assessments.—

(1) **AD VALOREM TAXES.**— An elected board shall have the power to levy and assess an ad valorem tax on all the taxable property in the district to construct, operate, and maintain assessable improvements; to pay the principal of, and interest on, any general obligation bonds of the district; and to provide for any sinking or other funds established in connection with any such bonds. An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, shall not exceed 3 mills, except that a district authorized by a local general-purpose government to exercise one or more powers specified in s. 190.012(2) may levy an additional 2 mills for operating purposes, exclusive of debt service on bonds. The ad valorem tax provided for herein shall be in addition to county and all other ad valorem taxes provided for by law. Such tax shall be assessed, levied, and collected in the same manner and same time as county taxes. The levy of ad valorem taxes shall be approved by referendum when required by the State Constitution.

(2) **BENEFIT SPECIAL ASSESSMENTS.**— The board shall annually determine, order, and levy the annual installment of the total benefit special assessments for bonds issued and related expenses to finance district facilities and projects which are levied under this act. These assessments may be due and collected during each year that county taxes are due and collected, in which case such annual installment and levy shall be evidenced to and certified to the property appraiser by the board not later than August 31 of each year, and such assessment shall be entered by the property appraiser on the county tax rolls, and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds thereof shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from using the method prescribed in either s. 197.363 or s. 197.3632 for collecting and enforcing these assessments. Notice of the proposed amount of the assessment pursuant to s. 200.069 that includes the date and time of the hearing may be used in lieu of the notice provisions of s. 197.3632(4)(b). These benefit special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the assessment for the exercise of the district's powers under ss. 190.011 and 190.012 shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be part or all of the lands within the district benefited by the improvement, apportioned between benefited lands in proportion to the benefits received by each tract of land.

(3) **MAINTENANCE SPECIAL ASSESSMENTS.**—To maintain and preserve the facilities and projects of the district, the board may levy a maintenance special assessment. This assessment may be evidenced to and certified to the property appraiser by the board of supervisors not later than August 31 of each year and shall be entered by the property appraiser on the county tax rolls and shall be collected and enforced by the tax collector in the same manner and at the same time as county taxes, and the proceeds therefrom shall be paid to the district. However, this subsection shall not prohibit the district in its discretion from using the method prescribed in either s. 197.363 or s. 197.3632 for collecting and enforcing these assessments. Notice of the proposed amount of the assessment pursuant to s. 200.069 that includes the date and time of the hearing may be used in lieu of the notice provisions of s. 197.3632(4)(b). These maintenance special assessments shall be a lien on the property against which assessed until paid and shall be enforceable in like manner as county taxes. The amount of the maintenance special assessment for the exercise of the district's powers under ss. 190.011 and 190.012 shall be determined by the board based upon a report of the district's engineer and assessed by the board upon such lands, which may be all of the lands within the district benefited by the maintenance thereof, apportioned between the benefited lands in proportion to the benefits received by each tract of land.

(4) **ENFORCEMENT OF TAXES.**—The collection and enforcement of all taxes levied by the district shall be at the same time and in like manner as county taxes, and the provisions of the Florida Statutes relating to the sale of lands for unpaid and delinquent county taxes; the issuance, sale, and delivery of tax certificates for such unpaid and delinquent county taxes; the redemption thereof; the issuance to individuals of tax deeds based thereon; and all other procedures in connection therewith shall be applicable to the district to the same extent as if such statutory provisions were expressly set forth herein. All taxes shall be subject to the same discounts as county taxes.

(5) **WHEN UNPAID TAX IS DELINQUENT; PENALTY.**—All taxes provided for in this act shall become delinquent and bear penalties on the amount of such taxes in the same manner as county taxes.

(6) **TAX EXEMPTION.**—All bonds issued hereunder and interest paid thereon and all fees, charges, and other revenues derived by the district from the projects provided by this act are exempt from all taxes by the state or by any political subdivision, agency, or instrumentality thereof; however, any interest, income, or profits on debt obligations issued hereunder are not exempt from the tax imposed by chapter 220. Further, districts are not exempt from the provisions of chapter 212.

(7) **TRANSITIONAL PROVISIONS.**—Nothing in this act shall be deemed to affect any benefit tax, maintenance tax, non-ad valorem assessment, ad valorem tax, or special assessment imposed by a community development district as of June 21, 1991. Nothing in this act shall be construed to affect any tax or assessment pledged to secure or authorized pursuant to a trust indenture under this chapter, and the district imposing such tax or assessment is hereby authorized to impose such tax or assessment under the terms required by the trust indenture. The terms benefit taxes or maintenance taxes used in this chapter prior to June 21, 1991, are redesignated as benefit or maintenance special assessments pursuant to this act, and such terms may be used interchangeably under the terms of an existing trust indenture.

(8) **STATUS OF ASSESSMENTS.**—Benefit special assessments, maintenance special assessments, and special assessments are non-ad valorem assessments as defined by s. 197.3632.

(9) **ASSESSMENTS CONSTITUTE LIENS; COLLECTION.**—Benefit special assessments and maintenance special assessments authorized by this section, and special assessments authorized by s. 190.022 and chapter 170, shall constitute a lien on the property against which assessed from the date of imposition thereof until paid, coequal with the lien of state, county, municipal, and school board taxes. These non-ad valorem assessments may be collected, at the district's discretion, by the tax collector pursuant to the provisions of s. 197.363 or s. 197.3632, or in accordance with other collection measures provided by law.

(10) **LAND OWNED BY GOVERNMENTAL ENTITY.**—Except as otherwise provided by law, no levy of ad valorem taxes or non-ad valorem assessments under this chapter, or chapter 170, chapter 197, or otherwise, by a board of a district on property of a governmental entity that is subject to a ground lease as described in s. 190.003(14), shall constitute a lien or encumbrance on the underlying fee interest of such governmental entity.

History.—s. 2, ch. 80-407; s. 11, ch. 84-360; s. 48, ch. 89-169; s. 7, ch. 91-308; s. 40, ch. 99-378; s. 35, ch. 2000-364; s. 10, ch. 2007-160; s. 7, ch. 2009-142.

190.022 Special assessments.—

(1) The board may levy special assessments for the construction, reconstruction, acquisition, or maintenance of district facilities authorized under this chapter using the procedures for levy and collection provided in chapter 170 or chapter 197.

(2) Notwithstanding the provisions of s. 170.09, district assessments may be made payable in no more than 30 yearly installments.

History.—s. 2, ch. 80-407; s. 12, ch. 84-360; s. 8, ch. 91-308; s. 41, ch. 99-378.

190.023 Issuance of certificates of indebtedness based on assessments for assessable improvements; assessment bonds.—

(1) The board may, after any assessments for assessable improvements are made, determined, and confirmed as provided in s. 190.022, issue certificates of indebtedness for the amount so assessed against the abutting property or property otherwise benefited, as the case may be; and separate certificates shall be issued against each part or parcel of land or property assessed, which certificates shall state the general nature of the improvement for which the assessment is made. The certificates shall be payable in annual installments in accordance with the installments of the special assessment for which they are issued. The board may determine the interest to be borne by such certificates, in compliance with s. 215.84, and may sell such certificates at either private or public sale and determine the form, manner of execution, and other details of such certificates. The certificates shall recite that they are payable only from the special assessments levied and collected from the part or parcel of land or property against which they are issued. The proceeds of such certificates may be pledged for the payment of principal of and interest on any revenue bonds or general obligation bonds issued to finance in whole or in part such assessable improvement, or, if not so pledged, may be used to pay the cost or part of the cost of such assessable improvements.

(2) The district may also issue assessment bonds or other obligations payable from a special fund into which such certificates of indebtedness referred to in the preceding subsection may be deposited; or, if such certificates of indebtedness have not been issued, the district may assign to such special fund for the benefit of the holders of such assessment bonds or other obligations, or to a trustee for such bondholders, the assessment liens provided for in this act unless such certificates of indebtedness or assessment liens have been theretofore pledged for any bonds or other obligations authorized hereunder. In the event of the creation of such special fund and the issuance of such assessment bonds or other obligations, the proceeds of such certificates of indebtedness or assessment liens deposited therein shall be used only for the payment of the assessment bonds or other obligations issued as provided in this section. The district is authorized to covenant with the holders of such assessment bonds or other obligations that it will diligently and faithfully enforce and collect all the special assessments and interest and penalties thereon for which such certificates of indebtedness or assessment liens have been deposited in or assigned to such fund; to foreclose such assessment liens so assigned to such special fund or represented by the certificates of indebtedness deposited in the special fund, after such assessment liens have become delinquent, and deposit the proceeds derived from such foreclosure, including interest and penalties, in such special fund; and to make any other covenants deemed necessary or advisable in order to properly secure the holders of such assessment bonds or other obligations.

(3) The assessment bonds or other obligations issued pursuant to this section shall have such dates of issue and maturity as shall be deemed advisable by the board; however, the maturities of such assessment bonds or other obligations shall not be more than 2 years after the due date of the last installment which will be payable on any of the special assessments for which such assessment liens, or the certificates of indebtedness representing such assessment liens, are assigned to or deposited in such special fund.

(4) Such assessment bonds or other obligations issued under this section shall bear such interest as the board may determine, not to exceed a rate which is in compliance with s. 215.84, and shall be executed, shall have such provisions

for redemption prior to maturity, shall be sold in the manner and be subject to all of the applicable provisions contained in this act for revenue bonds, except as the same may be inconsistent with the provisions of this section.

(5) All assessment bonds or other obligations issued under the provisions of this act, except certificates of indebtedness issued against separate lots or parcels of land or property as provided in this section, shall be and constitute and shall have all the qualities and incidents of negotiable instruments under the law merchant and the laws of the state.

History.—s. 2, ch. 80-407; s. 81, ch. 81-259; s. 12, ch. 83-215.

190.024 Tax liens.— All taxes of the district provided for in this act, together with all penalties for default in the payment of the same and all costs in collecting the same, including a reasonable attorney's fee fixed by the court and taxed as a cost in the action brought to enforce payment, shall, from January 1 for each year the property is liable to assessment and until paid, constitute a lien of equal dignity with the liens for state and county taxes and other taxes of equal dignity with state and county taxes upon all the lands against which such taxes shall be levied. A sale of any of the real property within the district for state and county or other taxes shall not operate to relieve or release the property so sold from the lien for subsequent district taxes or installments of district taxes, which lien may be enforced against such property as though no such sale thereof had been made. The provisions of ss. 194.171, 197.122, 197.333, and 197.432 shall be applicable to district taxes with the same force and effect as if such provisions were expressly set forth in this act.

History.—s. 2, ch. 80-407; s. 33, ch. 82-226; s. 202, ch. 85-342; s. 27, ch. 95-280.

190.025 Payment of taxes and redemption of tax liens by the district; sharing in proceeds of tax sale.—

(1) The district has the right to:

(a) Pay any delinquent state, county, district, municipal, or other tax or assessment upon lands located wholly or partially within the boundaries of the district; and

(b) To redeem or purchase any tax sales certificates issued or sold on account of any state, county, district, municipal, or other taxes or assessments upon lands located wholly or partially within the boundaries of the district.

(2) Delinquent taxes paid, or tax sales certificates redeemed or purchased, by the district, together with all penalties for the default in payment of the same and all costs in collecting the same and a reasonable attorney's fee, shall constitute a lien in favor of the district of equal dignity with the liens of state and county taxes and other taxes of equal dignity with state and county taxes upon all the real property against which the taxes were levied. The lien of the district may be foreclosed in the manner provided in this act.

(3) In any sale of land pursuant to s. 197.542 and amendments thereto, the district may certify to the clerk of the circuit court of the county holding such sale the amount of taxes due to the district upon the lands sought to be sold; and the district shall share in the disbursement of the sales proceeds in accordance with the provisions of this act and under the laws of the state.

History.—s. 2, ch. 80-407; s. 203, ch. 85-342.

190.026 Foreclosure of liens.— Any lien in favor of the district arising under this act may be foreclosed by the district by foreclosure proceedings in the name of the district in a court of competent jurisdiction as provided by general law in like manner as is provided in chapter 170 or chapter 173 and amendments thereto; the provisions of those chapters shall be applicable to such proceedings with the same force and effect as if those provisions were expressly set forth in this act. Any act required or authorized to be done by or on behalf of a municipality in foreclosure proceedings under chapter 170 or chapter 173 may be performed by such officer or agent of the district as the board of supervisors may designate. Such foreclosure proceedings may be brought at any time after the expiration of 1 year from the date any tax, or installment thereof, becomes delinquent; however no lien shall be foreclosed against any political subdivision or agency of the state. Other legal remedies shall remain available.

History.—s. 2, ch. 80-407; s. 11, ch. 2007-160.

190.031 Mandatory use of certain district facilities and services.— To the full extent permitted by law, the district shall require all lands, buildings, premises, persons, firms, and corporations within the district to use the water management and control facilities and water and sewer facilities of the district.

History.—s. 2, ch. 80-407.

190.033 Bids required.—

(1) No contract shall be let by the board for any goods, supplies, or materials to be purchased when the amount thereof to be paid by the district shall exceed the amount provided in s. 287.017 for category four, unless notice of bids or other competitive solicitation, including requests for proposals or qualifications, is advertised once in a newspaper in general circulation in the county and in the district. Any board seeking to construct or improve a public building, structure, or other public works shall comply with the bidding procedures of s. 255.20 and other applicable general law. In each case, the bid of the lowest responsive and responsible bidder shall be accepted unless all bids are rejected because the bids are too high, or the board determines it is in the best interests of the district to reject all bids. In each case in which requests for proposals, qualifications, or other competitive solicitations are used, the district shall determine which response is most advantageous for the district and award the contract to that proposer. The board may require the bidders or proposers to furnish bond with a responsible surety to be approved by the board. If the district does not receive a response to its competitive solicitation, the district may proceed to purchase such goods, supplies, materials, or construction services in the manner it deems in the best interests of the district. Nothing in this section shall prevent the board from undertaking and performing the construction, operation, and maintenance of any project or facility authorized by this act by the employment of labor, material, and machinery.

(2) The provisions of the Consultants' Competitive Negotiation Act, s. 287.055, apply to contracts for engineering, architecture, landscape architecture, or registered surveying and mapping services let by the board.

(3) Contracts for maintenance services for any district facility or project shall be subject to competitive solicitation requirements when the amount thereof to be paid by the district exceeds the amount provided in s. 287.017 for category four. The district shall adopt rules, policies, or procedures establishing competitive solicitation procedures for maintenance services. Contracts for other services shall not be subject to competitive solicitation unless the district adopts a rule, policy, or procedure applying competitive solicitation procedures to said contracts.

History.—s. 2, ch. 80-407; s. 9, ch. 91-308; s. 113, ch. 94-119; s. 42, ch. 99-378; s. 12, ch. 2007-160.

190.035 Fees, rentals, and charges; procedure for adoption and modifications; minimum revenue requirements.

(1) The district is authorized to prescribe, fix, establish, and collect rates, fees, rentals, or other charges, hereinafter sometimes referred to as "revenues," and to revise the same from time to time, for the facilities and services furnished by the district, within the limits of the district, including, but not limited to, recreational facilities, water management and control facilities, and water and sewer systems; to recover the costs of making connection with any district facility or system; and to provide for reasonable penalties against any user or property for any such rates, fees, rentals, or other charges that are delinquent.

(2) No such rates, fees, rentals, or other charges for any of the facilities or services of the district shall be fixed until after a public hearing at which all the users of the proposed facility or services or owners, tenants, or occupants served or to be served thereby and all other interested persons shall have an opportunity to be heard concerning the proposed rates, fees, rentals, or other charges. Rates, fees, rentals, and other charges shall be adopted under the administrative rulemaking authority of the district, but shall not apply to district leases. Notice of such public hearing setting forth the proposed schedule or schedules of rates, fees, rentals, and other charges shall have been published in a newspaper in the county and of general circulation in the district at least once and at least 10 days prior to such public hearing. The rulemaking hearing may be adjourned from time to time. After such hearing, such schedule or schedules, either as initially proposed or as modified or amended, may be finally adopted. A copy of the schedule or schedules of such rates, fees, rentals, or charges as finally adopted shall be kept on file in an office designated by the board and shall be open at all reasonable times to public inspection. The rates, fees, rentals, or charges so fixed for any class of users or

property served shall be extended to cover any additional users or properties thereafter served which shall fall in the same class, without the necessity of any notice or hearing.

(3) Such rates, fees, rentals, and charges shall be just and equitable and uniform for users of the same class, and when appropriate may be based or computed either upon the amount of service furnished, upon the number of average number of persons residing or working in or otherwise occupying the premises served, or upon any other factor affecting the use of the facilities furnished, or upon any combination of the foregoing factors, as may be determined by the board on an equitable basis.

(4) The rates, fees, rentals, or other charges prescribed shall be such as will produce revenues, together with any other assessments, taxes, revenues, or funds available or pledged for such purpose, at least sufficient to provide for the items hereinafter listed, but not necessarily in the order stated:

(a) To provide for all expenses of operation and maintenance of such facility or service;

(b) To pay when due all bonds and interest thereon for the payment of which such revenues are, or shall have been, pledged or encumbered, including reserves for such purpose; and

(c) To provide for any other funds which may be required under the resolution or resolutions authorizing the issuance of bonds pursuant to this act.

(5) The board shall have the power to enter into contracts for the use of the projects of the district and with respect to the services and facilities furnished or to be furnished by the district.

History.—s. 2, ch. 80-407; s. 10, ch. 91-308.

190.036 Recovery of delinquent charges.— In the event that any rates, fees, rentals, charges, or delinquent penalties shall not be paid as and when due and shall be in default for 60 days or more, the unpaid balance thereof and all interest accrued thereon, together with reasonable attorney's fees and costs, may be recovered by the district in a civil action.

History.—s. 2, ch. 80-407.

190.037 Discontinuance of service.— In the event the fees, rentals, or other charges for water and sewer services, or either of them, are not paid when due, the board shall have the power, under such reasonable rules and regulations as the board may adopt, to discontinue and shut off both water and sewer services until such fees, rentals, or other charges, including interest, penalties, and charges for the shutting off and discontinuance and the restoration of such water and sewer services or both, are fully paid; and, for such purposes, the board may enter on any lands, waters, or premises of any person, firm, corporation, or body, public or private, within the district limits. Such delinquent fees, rentals, or other charges, together with interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services and facilities and reasonable attorney's fees and other expenses, may be recovered by the district, which may also enforce payment of such delinquent fees, rentals, or other charges by any other lawful method of enforcement.

History.—s. 2, ch. 80-407; s. 82, ch. 81-259.

190.041 Enforcement and penalties.— The board or any aggrieved person may have recourse to such remedies in law and at equity as may be necessary to ensure compliance with the provisions of this act, including injunctive relief to enjoin or restrain any person violating the provisions of this act or any bylaws, resolutions, regulations, rules, codes, or orders adopted under this act. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land, or water is used, in violation of this act or of any code, order, resolution, or other regulation made under authority conferred by this act or under law, the board or any citizen residing in the district may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to restrain, correct, or avoid such violation; to prevent the occupancy of such building, structure, land, or water; and to prevent any illegal act, conduct, business, or use in or about such premises, land, or water.

History.—s. 2, ch. 80-407; s. 83, ch. 81-259.

190.043 Suits against the district.— Any suit or action brought or maintained against the district for damages arising out of tort, including, without limitation, any claim arising upon account of an act causing an injury or loss of property, personal injury, or death, shall be subject to the limitations provided in s. 768.28.

History.—s. 2, ch. 80-407.

190.044 Exemption of district property from execution.— All district property shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against such property, nor shall any judgment against the district be a charge or lien on its property or revenues; however, nothing contained herein shall apply to or limit the rights of bondholders to pursue any remedy for the enforcement of any lien or pledge given by the district in connection with any of the bonds or obligations of the district.

History.—s. 2, ch. 80-407.

190.046 Termination, contraction, or expansion of district.—

(1) A landowner or the board may petition to contract or expand the boundaries of a community development district in the following manner:

(a) The petition shall contain the same information required by s. 190.005(1)(a)1. and 8. In addition, if the petitioner seeks to expand the district, the petition shall describe the proposed timetable for construction of any district services to the area, the estimated cost of constructing the proposed services, and the designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land use plan element of the adopted local government local comprehensive plan. If the petitioner seeks to contract the district, the petition shall describe what services and facilities are currently provided by the district to the area being removed, and the designation of the future general distribution, location, and extent of public and private uses of land proposed for the area by the future land element of the adopted local government comprehensive plan.

(b) For those districts initially established by county ordinance, the petition for ordinance amendment shall be filed with the county commission. If the land to be included or excluded is, in whole or in part, within the boundaries of a municipality, then the county commission shall not amend the ordinance without municipal approval. A public hearing shall be held in the same manner and with the same public notice as other ordinance amendments. The county commission shall consider the record of the public hearing and the factors set forth in s. 190.005(1)(e) in making its determination to grant or deny the petition for ordinance amendment.

(c) For those districts initially established by municipal ordinance pursuant to s. 190.005(2)(e), the municipality shall assume the duties of the county commission set forth in paragraph (b); however, if any of the land to be included or excluded, in whole or in part, is outside the boundaries of the municipality, then the municipality shall not amend its ordinance without county commission approval.

(d)1. For those districts initially established by administrative rule pursuant to s. 190.005(1), the petition shall be filed with the Florida Land and Water Adjudicatory Commission.

2. Prior to filing the petition, the petitioner shall pay a filing fee of \$1,500, to the county if the district or the land to be added or deleted from the district is located within an unincorporated area or to the municipality if the district or the land to be added or deleted is located within an incorporated area, and to each municipality the boundaries of which are contiguous with or contain all or a portion of the land within or to be added to or deleted from the external boundaries of the district. The petitioner shall submit a copy of the petition to the same entities entitled to receive the filing fee. In addition, if the district is not the petitioner, the petitioner shall file the petition with the district board of supervisors.

3. Each county and each municipality shall have the option of holding a public hearing as provided by s. 190.005(1)(c). However, the public hearing shall be limited to consideration of the contents of the petition and whether the petition for amendment should be supported by the county or municipality.

4. The district board of supervisors shall, in lieu of a hearing officer, hold the local public hearing provided for by s. 190.005(1)(d). This local public hearing shall be noticed in the same manner as provided in s. 190.005(1)(d). Within 45 days of the conclusion of the hearing, the district board of supervisors shall transmit to the Florida Land and Water

Adjudicatory Commission the full record of the local hearing, the transcript of the hearing, any resolutions adopted by the local general-purpose governments, and its recommendation whether to grant the petition for amendment. The commission shall then proceed in accordance with s. 190.005(1)(e).

5. A rule amending a district boundary shall describe the land to be added or deleted.

(e)1. During the existence of a district initially established by administrative rule, the process to amend the boundaries of the district pursuant to paragraphs (a)-(d) shall not permit a cumulative net total greater than 50 percent of the land in the initial district, and in no event greater than 1,000 acres on a cumulative net basis.

2. During the existence of a district initially established by county or municipal ordinance, the process to amend the boundaries of the district pursuant to paragraphs (a)-(d) shall not permit a cumulative net total greater than 50 percent of the land in the initial district, and in no event greater than 1,000 acres on a cumulative net basis.

(f) Petitions to amend the boundaries of the district that exceed the amount of land specified in paragraph (e) shall be processed in accordance with s. 190.005, and the petition shall include only the elements set forth in s. 190.005(1)(a) 1. and 5.-8. and the consent required by paragraph (g). However, the resulting administrative rule or ordinance may only amend the boundaries of the district and may not establish a new district or cause a new 6-year or 10-year period to begin pursuant to s. 190.006(3)(a)2. The filing fee for such petitions shall be as set forth in s. 190.005(1)(b), as applicable.

(g) In all cases of a petition to amend the boundaries of a district, the filing of the petition by the district board of supervisors constitutes consent of the landowners within the district. In all cases, written consent of those landowners whose land is to be added to or deleted from the district as provided in s. 190.005(1)(a)2. is required.

(2) The district shall remain in existence unless:

(a) The district is merged with another district as provided in subsection (3) or subsection (4);

(b) All of the specific community development systems, facilities, and services that it is authorized to perform have been transferred to a general-purpose unit of local government in the manner provided in subsections (5), (6), and (7); or

(c) The district is dissolved as provided in subsection (8), subsection (9), or subsection (10).

(3) The district may merge with other community development districts upon filing a petition for merger, which petition shall include the elements set forth in s. 190.005(1) and which shall be evaluated using the criteria set forth in s. 190.005(1)(e). The filing fee shall be as set forth in s. 190.005(1)(b). In addition, the petition shall state whether a new district is to be established or whether one district shall be the surviving district. The district may merge with any other special districts upon filing a petition for establishment of a community development district pursuant to s. 190.005. The government formed by a merger involving a community development district pursuant to this section shall assume all indebtedness of, and receive title to, all property owned by the preexisting special districts, and the rights of creditors and liens upon property shall not be impaired by such merger. Any claim existing or action or proceeding pending by or against any district that is a party to the merger may be continued as if the merger had not occurred, or the surviving district may be substituted in the proceeding for the district that ceased to exist. Prior to filing the petition, the districts desiring to merge shall enter into a merger agreement and shall provide for the proper allocation of the indebtedness so assumed and the manner in which such debt shall be retired. The approval of the merger agreement and the petition by the board of supervisors of the district shall constitute consent of the landowners within the district.

(4)(a) To achieve economies of scale, reduce costs to affected district residents and businesses in areas with multiple existing districts, and encourage the merger of multiple districts, up to five districts that were established by the same local general-purpose government and whose board memberships are composed entirely of qualified electors may merge into one surviving district through adoption of an ordinance by the local general-purpose government, notwithstanding the acreage limitations otherwise set forth for the establishment of a district in this chapter. The filing of a petition by the majority of the members of each district board of supervisors seeking to merge constitutes consent of the landowners within each applicable district.

(b) In addition to meeting the requirements of subsection (3), a merger agreement entered into between the district boards subject to this subsection must also:

1. Require the surviving merged district board to consist of five elected board members.
2. Require each at-large board seat to represent the entire geographic area of the surviving merged district.
3. Ensure that each district to be merged is entitled to elect at least one board member from its former boundary.
4. Ensure a fair allocation of board membership to represent the districts being merged. To that end:
 - a. If two districts merge, two board members shall be elected from each of the districts and one member shall be elected at-large.
 - b. If three districts merge, one board member shall be elected from each of the three districts and two board members shall be elected at-large.
 - c. If four districts merge, one board member shall be elected from each of the four districts and one board member shall be elected at-large.
 - d. If five districts merge, one board member shall be elected from each of the five districts.
5. Require the election of board members for the surviving merged district to be held at the next general election following the merger, at which time all terms of preexisting board members shall end and the merger shall be legally in effect.

(c) Before filing the merger petition with the local general-purpose government under this subsection, each district proposing to merge must hold a public hearing within its district to provide information about and take public comment on the proposed merger, merger agreement, and assignment of board seats. Notice of the hearing shall be published at least 14 days before the hearing. If, after the public hearing, a district board decides that it no longer wants to merge and cancels the proposed merger agreement, the remaining districts must each hold another public hearing on the revised merger agreement. A petition to merge may not be filed for at least 30 days after the last public hearing held by the districts proposing to merge.

(5) The local general-purpose government within the geographical boundaries of which the district lies may adopt a nonemergency ordinance providing for a plan for the transfer of a specific community development service from a district to the local general-purpose government. The plan must provide for the assumption and guarantee of the district debt that is related to the service by the local general-purpose government and must demonstrate the ability of the local general-purpose government to provide such service:

- (a) As efficiently as the district.
- (b) At a level of quality equal to or higher than the level of quality actually delivered by the district to the users of the service.
- (c) At a charge equal to or lower than the actual charge by the district to the users of the service.
- (6) No later than 30 days following the adoption of a transfer plan ordinance, the board of supervisors may file, in the circuit court for the county in which the local general-purpose government that adopted the ordinance is located, a petition seeking review by certiorari of the factual and legal basis for the adoption of the transfer plan ordinance.
- (7) Upon the transfer of all of the community development services of the district to a general-purpose unit of local government, the district shall be terminated in accordance with a plan of termination which shall be adopted by the board of supervisors and filed with the clerk of the circuit court.

(8) If, within 5 years after the effective date of the rule or ordinance establishing the district, a landowner has not received a development permit, as defined in chapter 380, on some part or all of the area covered by the district, then the district will be automatically dissolved and a judge of the circuit court shall cause a statement to that effect to be filed in the public records.

(9) In the event the district has become inactive pursuant to s. 189.062, the respective board of county commissioners or city commission shall be informed and it shall take appropriate action.

(10) If a district has no outstanding financial obligations and no operating or maintenance responsibilities, upon the petition of the district, the district may be dissolved by a nonemergency ordinance of the general-purpose local

governmental entity that established the district or, if the district was established by rule of the Florida Land and Water Adjudicatory Commission, the district may be dissolved by repeal of such rule of the commission.

History.—s. 2, ch. 80-407; ss. 13, 19, ch. 84-360; s. 49, ch. 89-169; s. 11, ch. 91-308; s. 43, ch. 99-378; s. 34, ch. 2004-345; s. 31, ch. 2004-353; s. 10, ch. 2009-142; s. 22, ch. 2013-15; s. 70, ch. 2014-22; s. 3, ch. 2016-94; s. 4, ch. 2017-3.

190.047 Incorporation or annexation of district.—

(1) Upon attaining the population standards for incorporation contained in s. 165.061 and as determined by the Department of Economic Opportunity, any district wholly contained within the unincorporated area of a county that also meets the other requirements for incorporation contained in s. 165.061 shall hold a referendum at a general election on the question of whether to incorporate. However, any district contiguous to the boundary of a municipality may be annexed to such municipality pursuant to the provisions of chapter 171.

(2) The Department of Economic Opportunity shall annually monitor the status of the district for purposes of carrying out the provisions of this section.

History.—s. 14, ch. 84-360; s. 13, ch. 2007-160; s. 71, ch. 2011-142.

190.048 Sale of real estate within a district; required disclosure to purchaser.—Subsequent to the establishment of a district under this chapter, each contract for the initial sale of a parcel of real property and each contract for the initial sale of a residential unit within the district shall include, immediately prior to the space reserved in the contract for the signature of the purchaser, the following disclosure statement in boldfaced and conspicuous type which is larger than the type in the remaining text of the contract: “THE (Name of District) COMMUNITY DEVELOPMENT DISTRICT MAY IMPOSE AND LEVY TAXES OR ASSESSMENTS, OR BOTH TAXES AND ASSESSMENTS, ON THIS PROPERTY. THESE TAXES AND ASSESSMENTS PAY THE CONSTRUCTION, OPERATION, AND MAINTENANCE COSTS OF CERTAIN PUBLIC FACILITIES AND SERVICES OF THE DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE DISTRICT. THESE TAXES AND ASSESSMENTS ARE IN ADDITION TO COUNTY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW.”

History.—s. 15, ch. 84-360; s. 3, ch. 90-46; s. 44, ch. 99-378.

190.0485 Notice of establishment.—Within 30 days after the effective date of a rule or ordinance establishing a community development district under this act, the district shall cause to be recorded in the property records in the county in which it is located a “Notice of Establishment of the _____ Community Development District.” The notice shall, at a minimum, include the legal description of the district and a copy of the disclosure statement specified in s. 190.048.

History.—s. 45, ch. 99-378.

190.049 Special acts prohibited.—Pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall be no special law or general law of local application creating an independent special district which has the powers enumerated in two or more of the paragraphs contained in s. 190.012, unless such district is created pursuant to the provisions of s. 189.031.

History.—s. 2, ch. 80-407; s. 16, ch. 84-360; s. 47, ch. 99-378; s. 71, ch. 2014-22.

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Tab 3

FLORIDA COMMISSION ON ETHICS



GUIDE to the SUNSHINE AMENDMENT and CODE of ETHICS for Public Officers and Employees

2018

State of Florida
COMMISSION ON ETHICS

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I. HISTORY OF FLORIDA'S ETHICS LAWS

Florida has been a leader among the states in establishing ethics standards for public officials and recognizing the right of citizens to protect the public trust against abuse. Our state Constitution was revised in 1968 to require a code of ethics, prescribed by law, for all state employees and non-judicial officers prohibiting conflict between public duty and private interests.

Florida's first successful constitutional initiative resulted in the adoption of the Sunshine Amendment in 1976, providing additional constitutional guarantees concerning ethics in government. In the area of enforcement, the Sunshine Amendment requires that there be an independent commission (the Commission on Ethics) to investigate complaints concerning breaches of public trust by public officers and employees other than judges.

The Code of Ethics for Public Officers and Employees is found in Chapter 112 (Part III) of the Florida Statutes. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people for their government. The Code is also intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service.

Criminal penalties, which initially applied to violations of the Code, were eliminated in 1974 in favor of administrative enforcement. The Legislature created the Commission on Ethics that year "to serve as guardian of the standards of conduct" for public officials, state and local. Five of the Commission's nine members are appointed by the Governor, and two each are appointed by the President of the Senate and Speaker of the House of Representatives. No more than five Commission members may be members of the same political party, and none may be lobbyists, or hold any public employment during their two-year terms of office. A chair is selected from among the members to serve a one-year term and may not succeed himself or herself.

II. ROLE OF THE COMMISSION ON ETHICS

In addition to its constitutional duties regarding the investigation of complaints, the Commission:

- Renders advisory opinions to public officials;
- Prescribes forms for public disclosure;
- Prepares mailing lists of public officials subject to financial disclosure for use by Supervisors of Elections and the Commission in distributing forms and notifying delinquent filers;
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws, since it does not impose penalties;

- Administers the Executive Branch Lobbyist Registration and Reporting Law;
- Maintains financial disclosure filings of constitutional officers and state officers and employees; and,
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure.

III. THE ETHICS LAWS

The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. The following descriptions of these laws have been simplified in an effort to provide notice of their requirements. Therefore, we suggest that you also review the wording of the actual law. Citations to the appropriate laws are in brackets.

The laws summarized below apply generally to all public officers and employees, state and local, including members of advisory bodies. The principal exception to this broad coverage is the exclusion of judges, as they fall within the jurisdiction of the Judicial Qualifications Commission.

Public Service Commission (PSC) members and employees, as well as members of the PSC Nominating Council, are subject to additional ethics standards that are enforced by the Commission on Ethics under Chapter 350, Florida Statutes. Further, members of the governing boards of charter schools are subject to some of the provisions of the Code of Ethics [Sec. 1002.33(26), Fla. Stat.], as are the officers, directors, chief executive officers and some employees of business entities that serve as the chief administrative or executive officer or employee of a political subdivision. [Sec. 112.3136, Fla. Stat.].

A. PROHIBITED ACTIONS OR CONDUCT

1. *Solicitation and Acceptance of Gifts*

Public officers, employees, local government attorneys, and candidates are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service that is based on an understanding that their vote, official action, or judgment would be influenced by such gift. [Sec. 112.313(2), Fla. Stat.]

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** any gift from a political committee, lobbyist who has lobbied the official or his or her agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist or from a vendor doing business with the official's agency. [Sec. 112.3148, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees are prohibited from directly or indirectly **accepting** a gift worth more than \$100 from such a lobbyist, from a partner, firm, employer, or principal of the lobbyist, or from a political committee or vendor doing business with their agency. [Sec.112.3148, Fla. Stat.]

However, effective in 2006 and notwithstanding Sec. 112.3148, Fla. Stat., no Executive Branch lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] Typically, this would include gifts valued at less than \$100 that formerly were permitted under Section 112.3148, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

Also, effective May 1, 2013, persons required to file Form 1 or Form 6, and state procurement employees and members of their immediate families, are prohibited from accepting any gift from a political committee. [Sec. 112.31485, Fla. Stat.]

2. Unauthorized Compensation

Public officers or employees, local government attorneys, and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence a vote or other official action. [Sec. 112.313(4), Fla. Stat.]

3. Misuse of Public Position

Public officers and employees, and local government attorneys are prohibited from corruptly using or attempting to use their official positions or the resources thereof to obtain a special privilege or benefit for themselves or others. [Sec. 112.313(6), Fla. Stat.]

4. Disclosure or Use of Certain Information

Public officers and employees and local government attorneys are prohibited from disclosing or using information not available to the public and obtained by reason of their public position, for the personal benefit of themselves or others. [Sec. 112.313(8), Fla. Stat.]

5. *Solicitation or Acceptance of Honoraria*

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** honoraria related to their public offices or duties. [Sec. 112.3149, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees, are prohibited from knowingly **accepting** an honorarium from a political committee, lobbyist who has lobbied the person's agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist, or from a vendor doing business with the official's agency. However, they may accept the payment of expenses related to an honorarium event from such individuals or entities, provided that the expenses are disclosed. See Part III F of this brochure. [Sec. 112.3149, Fla. Stat.]

Lobbyists and their partners, firms, employers, and principals, as well as political committees and vendors, are prohibited from **giving** an honorarium to persons required to file FORM 1 or FORM 6 and to state procurement employees. Violations of this law may result in fines of up to \$5,000 and prohibitions against lobbying for up to two years. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no Executive Branch or legislative lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] This may include honorarium event related expenses that formerly were permitted under Sec. 112.3149, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

B. PROHIBITED EMPLOYMENT AND BUSINESS RELATIONSHIPS

1. *Doing Business With One's Agency*

(a) A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee or his or her spouse or child owns more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]

(b) A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]

2. *Conflicting Employment or Contractual Relationship*

(a) A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency. [Sec. 112.313(7), Fla. Stat.]

(b) A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the official's private interests and public duties or which will impede the full and faithful discharge of the official's public duties. [Sec. 112.313(7), Fla. Stat.]

(c) Limited exceptions to this prohibition have been created in the law for legislative bodies, certain special tax districts, drainage districts, and persons whose professions or occupations qualify them to hold their public positions. [Sec. 112.313(7)(a) and (b), Fla. Stat.]

3. *Exemptions—Pursuant to Sec. 112.313(12), Fla. Stat., the prohibitions against doing business with one's agency and having conflicting employment may not apply:*

(a) When the business is rotated among all qualified suppliers in a city or county.

(b) When the business is awarded by sealed, competitive bidding and neither the official nor his or her spouse or child have attempted to persuade agency personnel to enter the contract. NOTE: Disclosure of the interest of the official, spouse, or child and the nature of the business must be filed prior to or at the time of submission of the bid on Commission FORM 3A with the Commission on Ethics or Supervisor of Elections, depending on whether the official serves at the state or local level.

(c) When the purchase or sale is for legal advertising, utilities service, or for passage on a common carrier.

(d) When an emergency purchase must be made to protect the public health, safety, or welfare.

(e) When the business entity is the only source of supply within the political subdivision and there is full disclosure of the official's interest to the governing body on Commission FORM 4A.

(f) When the aggregate of any such transactions does not exceed \$500 in a calendar year.

(g) When the business transacted is the deposit of agency funds in a bank of which a county, city, or district official is an officer, director, or stockholder, so long as agency records show that the governing body has determined that the member did not favor his or her bank over other qualified banks.

(h) When the prohibitions are waived in the case of ADVISORY BOARD MEMBERS by the appointing person or by a two-thirds vote of the appointing body (after disclosure on Commission FORM 4A).

(i) When the public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) When the public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency where the price and terms of the transaction are available to similarly situated members of the general public and the officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

4. Additional Exemptions

No elected public officer is in violation of the conflicting employment prohibition when employed by a tax exempt organization contracting with his or her agency so long as the officer is not directly or indirectly compensated as a result of the contract, does not participate in any way in the decision to enter into the contract, abstains from voting on any matter involving the employer, and makes certain disclosures. [Sec. 112.313(15), Fla. Stat.] A qualified blind trust established pursuant to Sec. 112.31425, Fla. Stat., may afford an official protection from conflicts of interest arising from assets placed in the trust.

5. Legislators Lobbying State Agencies

A member of the Legislature is prohibited from representing another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals. [Art. II, Sec. 8(e), Fla. Const., and Sec. 112.313(9), Fla. Stat.]

6. Employees Holding Office

A public employee is prohibited from being a member of the governing body which serves as his or her employer. [Sec. 112.313(10), Fla. Stat.]

7. Professional and Occupational Licensing Board Members

An officer, director, or administrator of a state, county, or regional professional or occupational organization or association, while holding such position, may not serve as a member of a state examining or licensing board for the profession or occupation. [Sec. 112.313(11), Fla. Stat.]

8. *Contractual Services: Prohibited Employment*

A state employee of the executive or judicial branch who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or who renders advice, investigation, or auditing, regarding his or her agency's contract for services, is prohibited from being employed with a person holding such a contract with his or her agency. [Sec. 112.3185(2), Fla. Stat.]

9. *Local Government Attorneys*

Local government attorneys, such as the city attorney or county attorney, and their law firms are prohibited from representing private individuals and entities before the unit of local government which they serve. A local government attorney cannot recommend or otherwise refer to his or her firm legal work involving the local government unit unless the attorney's contract authorizes or mandates the use of that firm. [Sec. 112.313(16), Fla. Stat.]

10. *Dual Public Employment*

Candidates and elected officers are prohibited from accepting public employment if they know or should know it is being offered for the purpose of influence. Further, public employment may not be accepted unless the position was already in existence or was created without the anticipation of the official's interest, was publicly advertised, and the officer had to meet the same qualifications and go through the same hiring process as other applicants. For elected public officers already holding public employment, no promotion given for the purpose of influence may be accepted, nor may promotions that are inconsistent with those given other similarly situated employees. [Sec. 112.3125, Fla. Stat.]

C. RESTRICTIONS ON APPOINTING, EMPLOYING, AND CONTRACTING WITH RELATIVES

1. *Anti-Nepotism Law*

A public official is prohibited from seeking for a relative any appointment, employment, promotion, or advancement in the agency in which he or she is serving or over which the official exercises jurisdiction or control. No person may be appointed, employed, promoted, or advanced in or to a position in an agency if such action has been advocated by a related public official who is serving in or exercising jurisdiction or control over the agency; this includes relatives of members of collegial government bodies. NOTE: This prohibition does not apply to school districts (except as provided in Sec. 1012.23, Fla. Stat.), community colleges and state universities, or to appointments of boards, other than those with land-planning or zoning responsibilities, in municipalities of fewer than 35,000 residents. Also, the approval of budgets does not constitute "jurisdiction or control" for the purposes

of this prohibition. This provision does not apply to volunteer emergency medical, firefighting, or police service providers. [Sec. 112.3135, Fla. Stat.]

2. Additional Restrictions

A state employee of the executive or judicial branch or the PSC is prohibited from directly or indirectly procuring contractual services for his or her agency from a business entity of which a relative is an officer, partner, director, or proprietor, or in which the employee, or his or her spouse, or children own more than a 5% interest. [Sec. 112.3185(6), Fla. Stat.]

D. POST OFFICE HOLDING AND EMPLOYMENT (REVOLVING DOOR) RESTRICTIONS

1. Lobbying by Former Legislators, Statewide Elected Officers, and Appointed State Officers

A member of the Legislature or a statewide elected or appointed state official is prohibited for two years following vacation of office from representing another person or entity for compensation before the government body or agency of which the individual was an officer or member. Former members of the Legislature are also prohibited for two years from lobbying the executive branch. [Art. II, Sec. 8(e), Fla. Const. and Sec. 112.313(9), Fla. Stat.]

2. Lobbying by Former State Employees

Certain employees of the executive and legislative branches of state government are prohibited from personally representing another person or entity for compensation before the agency with which they were employed for a period of two years after leaving their positions, unless employed by another agency of state government. [Sec. 112.313(9), Fla. Stat.] These employees include the following:

- (a) Executive and legislative branch employees serving in the Senior Management Service and Selected Exempt Service, as well as any person employed by the Department of the Lottery having authority over policy or procurement.

- (b) Persons serving in the following position classifications: the Auditor General; the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA); the Sergeant at Arms and Secretary of the Senate; the Sergeant at Arms and Clerk of the House of Representatives; the executive director and deputy executive director of the Commission on Ethics; an executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, legislative analyst, or attorney serving in the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, the Senate Minority Party Office, the

House Majority Party Office, or the House Minority Party Office; the Chancellor and Vice-Chancellors of the State University System; the general counsel to the Board of Regents; the president, vice presidents, and deans of each state university; any person hired on a contractual basis and having the power normally conferred upon such persons, by whatever title; and any person having the power normally conferred upon the above positions.

This prohibition does not apply to a person who was employed by the Legislature or other agency prior to July 1, 1989; who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994; or who reached normal retirement age and retired by July 1, 1991. It does apply to OPS employees.

PENALTIES: Persons found in violation of this section are subject to the penalties contained in the Code (see PENALTIES, Part V) as well as a civil penalty in an amount equal to the compensation which the person received for the prohibited conduct. [Sec. 112.313(9)(a)5, Fla. Stat.]

3. Additional Restrictions on Former State Employees

A former executive or judicial branch employee or PSC employee is prohibited from having employment or a contractual relationship, at any time after retirement or termination of employment, with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee. [Sec. 112.3185(3), Fla. Stat.]

A former executive or judicial branch employee or PSC employee who has retired or terminated employment is prohibited from having any employment or contractual relationship for two years with any business entity (other than a public agency) in connection with a contract for services which was within his or her responsibility while serving as a state employee. [Sec.112.3185(4), Fla. Stat.]

Unless waived by the agency head, a former executive or judicial branch employee or PSC employee may not be paid more for contractual services provided by him or her to the former agency during the first year after leaving the agency than his or her annual salary before leaving. [Sec. 112.3185(5), Fla. Stat.]

These prohibitions do not apply to PSC employees who were so employed on or before Dec. 31, 1994.

4. Lobbying by Former Local Government Officers and Employees

A person elected to county, municipal, school district, or special district office is prohibited from representing another person or entity for compensation before the government body or agency of

which he or she was an officer for two years after leaving office. Appointed officers and employees of counties, municipalities, school districts, and special districts may be subject to a similar restriction by local ordinance or resolution. [Sec. 112.313(13) and (14), Fla. Stat.]

E. VOTING CONFLICTS OF INTEREST

State public officers are prohibited from voting in an official capacity on any measure which they know would inure to their own special private gain or loss. A state public officer who abstains, or who votes on a measure which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, must make every reasonable effort to file a memorandum of voting conflict with the recording secretary in advance of the vote. If that is not possible, it must be filed within 15 days after the vote occurs. The memorandum must disclose the nature of the officer's interest in the matter.

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission Form 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter. However, members of community redevelopment agencies and district officers elected on a one-acre, one-vote basis are not required to abstain when voting in that capacity.

No appointed state or local officer shall participate in any matter which would inure to the officer's special private gain or loss, the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, without first disclosing the nature of his or her interest in the matter. The memorandum of voting conflict (Commission Form 8A or 8B) must be filed with the meeting's recording officer, be provided to the other members of the agency, and be read publicly at the next meeting.

If the conflict is unknown or not disclosed prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15 days of the disclosure being made and must be provided to the other members of the agency, with the disclosure being read publicly at the next scheduled meeting. [Sec. 112.3143, Fla. Stat.]

A qualified blind trust established pursuant to Sec. 112.31425, Fla. Stat., may afford an official protection from voting conflicts of interest arising from assets placed in the trust.

F. DISCLOSURES

Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. This is why public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens to monitor the considerations of those who spend their tax dollars and participate in public policy decisions or administration.

All public officials and candidates do not file the same degree of disclosure; nor do they all file at the same time or place. Thus, care must be taken to determine which disclosure forms a particular official or candidate is required to file.

The following forms are described below to set forth the requirements of the various disclosures and the steps for correctly providing the information in a timely manner.

1. FORM 1 - Limited Financial Disclosure

Who Must File:

Persons required to file FORM 1 include all state officers, local officers, candidates for local elective office, and specified state employees as defined below (other than those officers who are required by law to file FORM 6).

STATE OFFICERS include:

- 1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
- 2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies; but including judicial nominating commission members; directors of Enterprise Florida, Scripps Florida Funding Corporation, and CareerSource Florida, and members of the Council on the Social Status of Black Men and Boys; the Executive Director, governors, and senior managers of Citizens Property Insurance Corporation; governors and senior managers of Florida Workers' Compensation Joint Underwriting Association, board members of the Northeast Florida Regional Transportation Commission, and members of the board of Triumph Gulf Coast, Inc.;

members of the board of Florida is for Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, local boards of trustees and presidents of state universities, and members of the Florida Prepaid College Board.

LOCAL OFFICERS include:

1) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a planning or zoning board, board of adjustments or appeals, community redevelopment agency board, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.

3) Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

4) Persons holding any of these positions in local government: mayor; county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$20,000 for the local governmental unit.

5) Members of governing boards of charter schools operated by a city or other public entity.

6) The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision. [Sec. 112.3136, Fla. Stat.]

SPECIFIED STATE EMPLOYEE includes:

1) Employees in the Office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

2) The following positions in each state department, commission, board, or council: secretary or state surgeon general, assistant or deputy secretary, executive director, assistant or deputy executive director, and anyone having the power normally conferred upon such persons, regardless of title.

3) The following positions in each state department or division: director, assistant or deputy director, bureau chief, assistant bureau chief, and any person having the power normally conferred upon such persons, regardless of title.

4) Assistant state attorneys, assistant public defenders, criminal conflict and civil regional counsel, assistant criminal conflict and civil regional counsel, public counsel, full-time state employees serving as counsel or assistant counsel to a state agency, judges of compensation claims, administrative law judges, and hearing officers.

5) The superintendent or director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

6) State agency business managers, finance and accounting directors, personnel officers, grant coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$20,000.

7) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

What Must Be Disclosed:

FORM 1 requirements are set forth fully on the form. In general, this includes the reporting person's sources and types of financial interests, such as the names of employers and addresses of real property holdings. NO DOLLAR VALUES ARE REQUIRED TO BE LISTED. In addition, the form requires the

disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When to File:

CANDIDATES for elected local office must file FORM 1 together with and at the same time they file their qualifying papers.

STATE and LOCAL OFFICERS and SPECIFIED STATE EMPLOYEES are required to file disclosure by July 1 of each year. They also must file within thirty days from the date of appointment or the beginning of employment. Those appointees requiring Senate confirmation must file prior to confirmation.

Where to File:

Each LOCAL OFFICER files FORM 1 with the Supervisor of Elections in the county in which he or she permanently resides.

A STATE OFFICER or SPECIFIED STATE EMPLOYEE files with the Commission on Ethics. [Sec. 112.3145, Fla. Stat.]

2. *FORM 1F - Final Form 1 Limited Financial Disclosure*

FORM 1F is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 1 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

3. *FORM 2 - Quarterly Client Disclosure*

The state officers, local officers, and specified state employees listed above, as well as elected constitutional officers, must file a FORM 2 if they or a partner or associate of their professional firm represent a client for compensation before an agency at their level of government.

A FORM 2 disclosure includes the names of clients represented by the reporting person or by any partner or associate of his or her professional firm for a fee or commission before agencies at the reporting person's level of government. Such representations do not include appearances in ministerial matters, appearances before judges of compensation claims, or representations on behalf of one's agency in one's official capacity. Nor does the term include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license, so long as the issuance of the license does not require a variance, special consideration, or a certificate of public convenience and necessity.

When to File:

This disclosure should be filed quarterly, by the end of the calendar quarter following the calendar quarter during which a reportable representation was made. FORM 2 need not be filed merely to indicate that no reportable representations occurred during the preceding quarter; it should be filed ONLY when reportable representations were made during the quarter.

Where To File:

LOCAL OFFICERS file with the Supervisor of Elections of the county in which they permanently reside.

STATE OFFICERS and SPECIFIED STATE EMPLOYEES file with the Commission on Ethics. [Sec. 112.3145(4), Fla. Stat.]

4. *FORM 6 - Full and Public Disclosure*

Who Must File:

Persons required by law to file FORM 6 include all elected constitutional officers and candidates for such office; the mayor and members of the city council and candidates for these offices in Jacksonville; the Duval County Superintendent of Schools; judges of compensation claims (pursuant to Sec. 440.442, Fla. Stat.); members of the Florida Housing Finance Corporation Board and members of expressway authorities, transportation authorities (except the Jacksonville Transportation Authority), bridge authority, or toll authorities created pursuant to Ch. 348 or 343, or 349, or other general law.

What Must be Disclosed:

FORM 6 is a detailed disclosure of assets, liabilities, and sources of income over \$1,000 and their values, as well as net worth. Officials may opt to file their most recent income tax return in lieu of listing sources of income but still must disclose their assets, liabilities, and net worth. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When and Where To File:

Incumbent officials must file FORM 6 annually by July 1 with the Commission on Ethics. CANDIDATES must file with the officer before whom they qualify at the time of qualifying. [Art. II, Sec. 8(a) and (i), Fla. Const., and Sec. 112.3144, Fla. Stat.]

5. *FORM 6F - Final Form 6 Full and Public Disclosure*

This is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 6 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

6. *FORM 9 - Quarterly Gift Disclosure*

Each person required to file FORM 1 or FORM 6, and each state procurement employee, must file a FORM 9, Quarterly Gift Disclosure, with the Commission on Ethics on the last day of any calendar quarter following the calendar quarter in which he or she received a gift worth more than \$100, other than gifts from relatives, gifts prohibited from being accepted, gifts primarily associated with his or her business or employment, and gifts otherwise required to be disclosed. FORM 9 NEED NOT BE FILED if no such gift was received during the calendar quarter.

Information to be disclosed includes a description of the gift and its value, the name and address of the donor, the date of the gift, and a copy of any receipt for the gift provided by the donor. [Sec. 112.3148, Fla. Stat.]

7. *FORM 10 - Annual Disclosure of Gifts from Government Agencies and Direct-Support Organizations and Honorarium Event Related Expenses*

State government entities, airport authorities, counties, municipalities, school boards, water management districts, and the South Florida Regional Transportation Authority, may give a gift worth more than \$100 to a person required to file FORM 1 or FORM 6, and to state procurement employees, if a public purpose can be shown for the gift. Also, a direct-support organization for a governmental entity may give such a gift to a person who is an officer or employee of that entity. These gifts are to be reported on FORM 10, to be filed by July 1.

The governmental entity or direct-support organization giving the gift must provide the officer or employee with a statement about the gift no later than March 1 of the following year. The officer or employee then must disclose this information by filing a statement by July 1 with his or her annual financial disclosure that describes the gift and lists the donor, the date of the gift, and the value of the total gifts provided during the calendar year. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3148, Fla. Stat.]

In addition, a person required to file FORM 1 or FORM 6, or a state procurement employee, who receives expenses or payment of expenses related to an honorarium event from someone who is prohibited from giving him or her an honorarium, must disclose annually the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, a description of the

expenses paid or provided, and the total value of the expenses on FORM 10. The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of the honorarium event.

The disclosure must be filed by July 1, for expenses received during the previous calendar year, with the officer's or employee's FORM 1 or FORM 6. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no executive branch or legislative lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts or honorarium event related expenses that formerly were permitted under Sections 112.3148 and 112.3149. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts, which include anything not primarily related to political activities authorized under ch. 106, are prohibited from political committees. [Sec. 112.31485 Fla. Stat.]

8. FORM 30 - Donor's Quarterly Gift Disclosure

As mentioned above, the following persons and entities generally are prohibited from giving a gift worth more than \$100 to a reporting individual (a person required to file FORM 1 or FORM 6) or to a state procurement employee: a political committee; a lobbyist who lobbies the reporting individual's or procurement employee's agency, and the partner, firm, employer, or principal of such a lobbyist; and vendors. If such person or entity makes a gift worth between \$25 and \$100 to a reporting individual or state procurement employee (that is not accepted in behalf of a governmental entity or charitable organization), the gift should be reported on FORM 30. The donor also must notify the recipient at the time the gift is made that it will be reported.

The FORM 30 should be filed by the last day of the calendar quarter following the calendar quarter in which the gift was made. If the gift was made to an individual in the legislative branch, FORM 30 should be filed with the Lobbyist Registrar. [See page 35 for address.] If the gift was to any other reporting individual or state procurement employee, FORM 30 should be filed with the Commission on Ethics.

However, notwithstanding Section 112.3148, Fla. Stat., no executive branch lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts that formerly were permitted under Section 112.3148. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered

by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts from political committees are prohibited. [Sec. 112.31485, Fla. Stat.]

9. *FORM 1X AND FORM 6X - Amendments to Form 1 and Form 6*

These forms are provided for officers or employees to amend their previously filed Form 1 or Form 6.

IV. AVAILABILITY OF FORMS

LOCAL OFFICERS and EMPLOYEES who must file FORM 1 annually will be sent the form by mail from the Supervisor of Elections in the county in which they permanently reside not later than JUNE 1 of each year. Newly elected and appointed officials or employees should contact the heads of their agencies for copies of the form or download it from www.ethics.state.fl.us, as should those persons who are required to file their final disclosure statements within 60 days of leaving office or employment.

ELECTED CONSTITUTIONAL OFFICERS, OTHER STATE OFFICERS, and SPECIFIED STATE EMPLOYEES who must file annually FORM 1 or 6 will be sent these forms by mail from the Commission on Ethics by JUNE 1 of each year. Newly elected and appointed officers and employees should contact the heads of their agencies or the Commission on Ethics for copies of the form or download it from www.ethics.state.fl.us, as should those persons who are required to file their final disclosure statements within 60 days of leaving office or employment.

Any person needing one or more of the other forms described here may also obtain them from a Supervisor of Elections or from the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709. They are also available on the Commission's website: www.ethics.state.fl.us.

V. PENALTIES

A. Non-criminal Penalties for Violation of the Sunshine Amendment and the Code of Ethics

There are no criminal penalties for violation of the Sunshine Amendment and the Code of Ethics. Penalties for violation of these laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one-third salary per month for no more than twelve months, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received, and triple the value of a gift from a political committee.

B. Penalties for Candidates

CANDIDATES for public office who are found in violation of the Sunshine Amendment or the Code of Ethics may be subject to one or more of the following penalties: disqualification from being on the

ballot, public censure, reprimand, or a civil penalty not to exceed \$10,000, and triple the value of a gift received from a political committee.

C. Penalties for Former Officers and Employees

FORMER PUBLIC OFFICERS or EMPLOYEES who are found in violation of a provision applicable to former officers or employees or whose violation occurred prior to such officer's or employee's leaving public office or employment may be subject to one or more of the following penalties: public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received, and triple the value of a gift received from a political committee.

D. Penalties for Lobbyists and Others

An executive branch lobbyist who has failed to comply with the Executive Branch Lobbying Registration law (see Part VIII) may be fined up to \$5,000, reprimanded, censured, or prohibited from lobbying executive branch agencies for up to two years. Lobbyists, their employers, principals, partners, and firms, and political committees and committees of continuous existence who give a prohibited gift or honorarium or fail to comply with the gift reporting requirements for gifts worth between \$25 and \$100, may be penalized by a fine of not more than \$5,000 and a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the public officer or employee to whom the gift was given for up to two years. Any agent or person acting on behalf of a political committee giving a prohibited gift is personally liable for a civil penalty of up to triple the value of the gift.

Executive Branch lobbying firms that fail to timely file their quarterly compensation reports may be fined \$50 per day per principal for each day the report is late, up to a maximum fine of \$5,000 per report.

E. Felony Convictions: Forfeiture of Retirement Benefits

Public officers and employees are subject to forfeiture of all rights and benefits under the retirement system to which they belong if convicted of certain offenses. The offenses include embezzlement or theft of public funds; bribery; felonies specified in Chapter 838, Florida Statutes; impeachable offenses; and felonies committed with intent to defraud the public or their public agency. [Sec. 112.3173, Fla. Stat.]

F. Automatic Penalties for Failure to File Annual Disclosure

Public officers and employees required to file either Form 1 or Form 6 annual financial disclosure are subject to automatic fines of \$25 for each day late the form is filed after September 1, up to a maximum penalty of \$1,500. [Sec. 112.3144 and 112.3145, Fla. Stat.]

VI. ADVISORY OPINIONS

Conflicts of interest may be avoided by greater awareness of the ethics laws on the part of public officials and employees through advisory assistance from the Commission on Ethics.

A. Who Can Request an Opinion

Any public officer, candidate for public office, or public employee in Florida who is in doubt about the applicability of the standards of conduct or disclosure laws to himself or herself, or anyone who has the power to hire or terminate another public employee, may seek an advisory opinion from the Commission about himself or herself or that employee.

B. How to Request an Opinion

Opinions may be requested by letter presenting a question based on a real situation and including a detailed description of the situation. Opinions are issued by the Commission and are binding on the conduct of the person who is the subject of the opinion, unless material facts were omitted or misstated in the request for the opinion. Published opinions will not bear the name of the persons involved unless they consent to the use of their names; however, the request and all information pertaining to it is a public record, made available to the Commission and to members of the public in advance of the Commission's consideration of the question.

C. How to Obtain Published Opinions

All of the Commission's opinions are available for viewing or download at its website: www.ethics.state.fl.us.

VII. COMPLAINTS

A. Citizen Involvement

The Commission on Ethics cannot conduct investigations of alleged violations of the Sunshine Amendment or the Code of Ethics unless a person files a sworn complaint with the Commission alleging such violation has occurred, or a referral is received, as discussed below.

If you have knowledge that a person in government has violated the standards of conduct or disclosure laws described above, you may report these violations to the Commission by filing a sworn complaint on the form prescribed by the Commission and available for download at www.ethics.state.fl.us. The Commission is unable to take action based on learning of such misdeeds through newspaper reports, telephone calls, or letters.

You can obtain a complaint form (FORM 50), by contacting the Commission office at the address or phone number shown on the inside front cover of this booklet, or you can download it from the Commission's website:
www.ethics.state.fl.us.

B. Referrals

The Commission may accept referrals from: the Governor, the Florida Department of Law Enforcement, a State Attorney, or a U.S. Attorney. A vote of six of the Commission's nine members is required to proceed on such a referral.

C. Confidentiality

The complaint or referral, as well as all proceedings and records relating thereto, is confidential until the accused requests that such records be made public or until the matter reaches a stage in the Commission's proceedings where it becomes public. This means that unless the Commission receives a written waiver of confidentiality from the accused, the Commission is not free to release any documents or to comment on a complaint or referral to members of the public or press, so long as the complaint or referral remains in a confidential stage.

A COMPLAINT OR REFERRAL MAY NOT BE FILED WITH RESPECT TO A CANDIDATE ON THE DAY OF THE ELECTION, OR WITHIN THE 30 CALENDAR DAYS PRECEDING THE ELECTION DATE, UNLESS IT IS BASED ON PERSONAL INFORMATION OR INFORMATION OTHER THAN HEARSAY.

D. How the Complaint Process Works

Complaints which allege a matter within the Commission's jurisdiction are assigned a tracking number and Commission staff forwards a copy of the original sworn complaint to the accused within five working days of its receipt. Any subsequent sworn amendments to the complaint also are transmitted within five working days of their receipt.

Once a complaint is filed, it goes through three procedural stages under the Commission's rules. The first stage is a determination of whether the allegations of the complaint are legally sufficient: that is, whether they indicate a possible violation of any law over which the Commission has jurisdiction. If the

complaint is found not to be legally sufficient, the Commission will order that the complaint be dismissed without investigation, and all records relating to the complaint will become public at that time.

In cases of very minor financial disclosure violations, the official will be allowed an opportunity to correct or amend his or her disclosure form. Otherwise, if the complaint is found to be legally sufficient, a preliminary investigation will be undertaken by the investigative staff of the Commission. The second stage of the Commission's proceedings involves this preliminary investigation and a decision by the Commission as to whether there is probable cause to believe that there has been a violation of any of the ethics laws. If the Commission finds no probable cause to believe there has been a violation of the ethics laws, the complaint will be dismissed and will become a matter of public record. If the Commission finds probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and usually enters the third stage of proceedings. This stage requires the Commission to decide whether the law was actually violated and, if so, whether a penalty should be recommended. At this stage, the accused has the right to request a public hearing (trial) at which evidence is presented, or the Commission may order that such a hearing be held. Public hearings usually are held in or near the area where the alleged violation occurred.

When the Commission concludes that a violation has been committed, it issues a public report of its findings and may recommend one or more penalties to the appropriate disciplinary body or official.

When the Commission determines that a person has filed a complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations, the complainant will be liable for costs plus reasonable attorney's fees incurred by the person complained against. The Department of Legal Affairs may bring a civil action to recover such fees and costs, if they are not paid voluntarily within 30 days.

E. Dismissal of Complaints At Any Stage of Disposition

The Commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the Commission will issue a public report stating with particularity its reasons for the dismissal. [Sec. 112.324(12), Fla. Stat.]

F. Statute of Limitations

All sworn complaints alleging a violation of the Sunshine Amendment or the Code of Ethics must be filed with the Commission within five years of the alleged violation or other breach of the public trust. Time starts to run on the day AFTER the violation or breach of public trust is committed. The statute of limitations

is tolled on the day a sworn complaint is filed with the Commission. If a complaint is filed and the statute of limitations has run, the complaint will be dismissed. [Sec. 112.3231, Fla. Stat.]

VIII. EXECUTIVE BRANCH LOBBYING

Any person who, for compensation and on behalf of another, lobbies an agency of the executive branch of state government with respect to a decision in the area of policy or procurement may be required to register as an executive branch lobbyist. Registration is required before lobbying an agency and is renewable annually. In addition, each lobbying firm must file a compensation report with the Commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. As noted above, no executive branch lobbyist or principal can make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 can knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.]

Paying an executive branch lobbyist a contingency fee based upon the outcome of any specific executive branch action, and receiving such a fee, is prohibited. A violation of this prohibition is a first degree misdemeanor, and the amount received is subject to forfeiture. This does not prohibit sales people from receiving a commission. [Sec. 112.3217, Fla. Stat.]

Executive branch departments, state universities, community colleges, and water management districts are prohibited from using public funds to retain an executive branch (or legislative branch) lobbyist, although these agencies may use full-time employees as lobbyists. [Sec. 11.062, Fla. Stat.]

Online registration and filing is available at www.floridalobbyist.gov. Additional information about the executive branch lobbyist registration system may be obtained by contacting the Lobbyist Registrar at the following address:

Executive Branch Lobbyist Registration
Room G-68, Claude Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1425
Phone: 850/922-4987

IX. WHISTLE-BLOWER'S ACT

In 1986, the Legislature enacted a "Whistle-blower's Act" to protect employees of agencies and government contractors from adverse personnel actions in retaliation for disclosing information in a sworn complaint alleging certain types of improper activities. Since then, the Legislature has revised this law to afford greater protection to these employees.

While this language is contained within the Code of Ethics, the Commission has no jurisdiction or authority to proceed against persons who violate this Act. Therefore, a person who has disclosed information alleging improper conduct governed by this law and who may suffer adverse consequences as a result should contact one or more of the following: the Office of the Chief Inspector General in the Executive Office of the Governor; the Department of Legal Affairs; the Florida Commission on Human Relations; or a private attorney. [Sec. 112.3187 - 112.31895, Fla. Stat.]

X. ADDITIONAL INFORMATION

As mentioned above, we suggest that you review the language used in each law for a more detailed understanding of Florida's ethics laws. The "Sunshine Amendment" is Article II, Section 8, of the Florida Constitution. The Code of Ethics for Public Officers and Employees is contained in Part III of Chapter 112, Florida Statutes.

Additional information about the Commission's functions and interpretations of these laws may be found in Chapter 34 of the Florida Administrative Code, where the Commission's rules are published, and in The Florida Administrative Law Reports, which until 2005 published many of the Commission's final orders. The Commission's rules, orders, and opinions also are available at www.ethics.state.fl.us.

If you are a public officer or employee concerned about your obligations under these laws, the staff of the Commission will be happy to respond to oral and written inquiries by providing information about the law, the Commission's interpretations of the law, and the Commission's procedures.

XI. TRAINING

Constitutional officers and elected municipal officers are required to receive a total of four hours training, per calendar year, in the area of ethics, public records, and open meetings. The Commission on Ethics does not track compliance or certify providers.

Visit the training page on the Commission's website for up-to-date rules, opinions, audio/video training, and opportunities for live training conducted by Commission staff. A comprehensive online training course addressing Florida's Code of Ethics, as well as Sunshine Law, and Public Records Act is available via a link on the Commission's homepage.

Tab 4



Teri Geney

9517 Marblehead Lane | New Port Richey, FL 34654
teri.geney@comcast.net | 802.777.5019

October 11, 2018

Christine Perkins, District Manager
Rizzetta & Company
9428 Camden Field Parkway
Riverview, FL 33578

Dear Christine and Board of Supervisors for the WatersEdge Community Development District,

I'm writing to express interest in serving on the WaterEdge CDD Board of Supervisors. I believe my participation would serve the Board well, for the following reasons:

- Experience: My personality and reputation as a goal-driven, results-oriented person has enabled me to successfully serve on multiple Boards in the past, including the Grand Isle (VT) Town and District School Boards, the Improvement of Education in Vermont state-level Board, the Act 46 County Implementation Board, a radio station Board of Directors, and the Lake Champlain Islands Tourism and Marketing Board. Thanks to a strong work ethic and "get it done" mentality, my participation in all of these capacities has been 100 percent.
- Value the CDD Board: I support the role and actions of the CDD Board in WatersEdge and wish to help continue their good work. When we purchased our home here 2½ years ago, the conservation areas and solid infrastructure were significant factors in our decision-making process. We viewed these as critical to our enjoyment of living here and the ultimate resale value of our home in the future.
- Conservation: My love of the natural world creates an innate desire to preserve and maintain the community's conservation areas. As the daughter of a park ranger, I understand some of the complexities of preserving nature's balance, so I am neither a "tree-hugger" nor a "development at any cost" individual. This would like be a key area of interest should I serve on the CDD Board.
- Communications: As a professional with my own marketing communications business, I am passionate about the importance and value of effective communications. It takes skill and experience to communicate well, and to be effective, every Board needs someone who always has their eyes and ears tuned to how Board actions will be shared with their stakeholders.
- Relationships: Through my attendance and participation at nearly every HOA Board meeting, I have had the pleasure of interacting with CDD Board members who also attend these meetings. I believe we share a mutual respect for each other and would work well together on the CDD Board of Supervisors.

I look forward to attending the meeting on October 25 to answer any questions you may have.

Best regards,

Teri Geney

TERI GENEY

MARKETING COPYWRITER & GRAPHIC ARTIST

Helping your business grow through effective Marketing Communications



802-777-5019

teri.geney@comcast.net
wordcraftmarketing.com

9517 Marblehead Lane
New Port Richey, FL 34654

EDUCATION

B.A. English, 1988
Gordon College
Wenham, MA 01984

SOFTWARE

Adobe Acrobat
Adobe Illustrator
Adobe InDesign
Adobe PhotoShop
Constant Contact
CorelDraw
MS Excel
MS PowerPoint
MS Publisher
MS Word
Weebly
WordPress

CORE COMPETENCIES

- ✦ Experienced marketing professional with 29 years of B2B and consumer experience
- ✦ Engaging writing style proven to motivate readers to action
- ✦ Creative strategic approach to communication opportunities
- ✦ Eager problem-solver to meet budgetary, scheduling, or other challenges
- ✦ Seasoned in print and digital media
- ✦ Skilled listener with high-level technical aptitude
- ✦ Highly organized and goal-driven
- ✦ Builder of strong client and co-worker relationships

PORTFOLIO

- ✦ Advertisements, print & digital
- ✦ Blog Writing
- ✦ Booth Design
- ✦ Brochure Copywriting & Design
- ✦ Direct Mail & E-mail Campaigns
- ✦ Logo Design
- ✦ Marketing Strategy
- ✦ Press Releases
- ✦ Survey Creation
- ✦ Website Development

WORK EXPERIENCE

WORDCRAFT MARKETING COMMUNICATIONS

Founder, 1998-present

- Consulted with a wide range of clients, providing marketing strategy, copywriting, design and project management services.
- Conducted "Marketing 101" and "Build Your Own Website" workshops.
- Provided pro bono services as School Board Director and PTA president.
- Operated a profitable business for 19 years, and counting.

BOMBARDIER CAPITAL, INC.

Marketing Communications Manager, 1995-1998

- Supported the VP of Marketing and VP of Strategic Planning with marketing strategy, copywriting, graphic design, presentations, press releases, market research, corporate branding and purchasing services for the Inventory Finance division (serving Sea-Doo, Ski-Doo, manufactured housing and marine retailers), as well as the Corporate Finance division (serving purchasers of LearJet and Challenger aircraft.)

BERTRAM & BNE ASSOCIATES

Director of Marketing, 1992-1995

- Provided a variety of marketing and advertising support services for a large New Jersey real estate developer, including award-winning sales programs for a staff of 20 realtors, press releases, market research and media management.

J. MALEK ADVERTISING

Account Executive, 1991

- Managed client accounts and wrote ad copy for a Manhattan ad agency.

October 5, 2018

Christine Perkins, District Manager
Rizzetta & Company
9428 Camden Field Parkway
Riverview, FL 33578

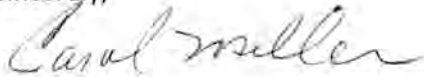
Dear Ms. Perkins:

I would like to apply for the position of Board Member with the Waters Edge Community Development District. The skills I have gained in my thirty plus years of banking can assist our community projects in reaching its objectives. I have experience in holding leadership positions where I worked with teams toward a common goal. Most recently, I held the position of Chief Compliance Officer for a local community bank and regularly prepared and presented reports to the Board of Directors. I also have supervised the overall operations for sixteen corporate retail banking branches in the Tampa market. My enclosed resume will provide you with more details on my experience and qualifications.

On a personal note, my husband, Bill, and I have lived in Waters Edge since June 2010 and we are both newly retired. Bill was a Pasco County school teacher for twenty-one years. We have two daughters, a son and five grandchildren.

I would very much like to serve our community and I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Carol Miller".

Carol Miller

Carol A. Miller

11332 Biddeford Place • New Port Richey • FL • 34654 • (727) 207-9598 • bclmiller@hotmail.com

SUMMARY

Experienced consumer banking professional with over 30 years in compliance, operations, training, branch management and security. Leads all compliance and security initiatives for a community bank of 30 employees. Promotes a culture of continuous improvement by striving to enhance efficiency, effectiveness and quality. Skilled at driving individuals and teams to a common goal. Strong communicator with successful track record of preparing and presenting compliance-related updates to the Board of Directors. Experienced in writing and delivering a variety of compliance and financial services training courses.

PROFESSIONAL EXPERIENCE

Patriot Bank, Senior Vice President, 2007 – 2017

Chief Compliance and Bank Secrecy Act (BSA) Officer

Director of Human Resources

Security Officer

- Chairs bank's Compliance Committee. This includes ensuring compliance with federal regulations and bank policies, staying abreast of upcoming regulatory changes and keeping the Board of Directors informed.
- Prepares and presents BSA summaries and various compliance training to the Board of Directors.
- Authors bank policies and procedures around BSA/AML, OFAC, Suspicious Activity Reporting, Customer Due Diligence, Advertising and Compliance Management.
- Created and maintains bank's BSA and OFAC risk assessments.
- Determines risk rating for new accounts.
- Monitors high-risk accounts, high-risk transactions and reports to detect suspicious activity.
- Reviews and tracks Audit Exceptions and corresponding Corrective Action Plans to ensure timely resolution.
- Conducts ongoing BSA/AML training to all employees, officers, executive management and the Board of Directors.
- Administers online compliance training program and creates employee's course curriculum based on job function/responsibilities
- Oversees handling of subpoenas and other legal documents served upon the bank and is primary liaison with bank's external attorneys.
- Benefits administrator, interviews and hires employees, conducts new employee orientation and maintains HR files.

AmSouth Bank, Vice President, 1993 – 2006

Area Branch Operations Manager, 2003 - 2006

- Supervised overall operations for sixteen branches in the Tampa market.
- Conducted graded branch audits to ensure compliance in the areas of wire transfer, general ledger, non-credit loss, security procedures and loan exceptions.
- Served as liaison between branch management and other bank departments to ensure timely resolution of key operational issues.
- Responsible for oversight of the opening of five new branches.
- Facilitated annual compliance training for senior management and branch employees.
- Delivered on-going teller excellence training to branch staff.

Direct Loan Underwriter, 1999 - 2003

- Reviewed and made decisions on credit applications for consumer loans.
- Identified red flags on loan applications, mitigating the potential for fraudulent accounts.
- Responsible for underwriting high dollar loans for private banking customers.
- Generated \$6.7MM in booked cross-sells.
- Consistently maintained delinquency rate of less than 3%.

- Developed course material and conducted monthly training sessions for branch loan officers.

Branch Manager, 1996 – 1999

- Initiated community business relationships that resulted in new deposit and loan accounts.
- Managed consumer and business loan activity in the branch and consistently exceeded sales goals.
- Developed and implemented branch sales strategy.
- Mentored five employees who were promoted into management positions.
- Maintained lowest staff turnover ratio in the Tampa market.
- Increased branch deposit base by 25% over three years.
- Exceeded home equity loan sales goal by 30%.
- Earned Chairman's Performance Award for exceeding sales and service goals.

Assistant Branch Manager, 1993 – 1996

- Selected to improve performance and employee morale in a branch with a history of high employee turnover and poor audits.
- Enforced policies and guidelines to reduce bank exposure to loss.
- Prepared monthly audit report.
- Conducted weekly branch sales meetings.
- Assigned individual sales goals and tracked staff performance.

New Accounts Representative and Teller, 1986 – 1993

PROFESSIONAL DEVELOPMENT & TRAINING

- Bank Secrecy Act (BSA) School - includes Office of Foreign Asset (OFAC) training
- Annual BSA Compliance Management Seminar – includes Customer Due Diligence Training
- Regularly attend webinars on BSA emerging issues and Suspicious Activity Reporting Compliance
- Master's Lending Compliance course
- Consumer Compliance Seminar
- FDIC conference calls on hot topics
- Unfair, Deceptive or Abusive Acts or Practices (UDAAP) Seminars
- Consumer Financial Protection Bureau (CFPB) Seminars

Statement to the Waters Edge CDD Board of Directors:

I request consideration for the open position on the Waters Edge CDD Board of Directors. I have lived in Waters Edge for over two years and in Florida for the past twenty. I truly love our fabulous community and enjoy living here. As you can see in my resume, I have had a diverse career filled with a great deal of experience that I would bring to the Board. While serving in the United States Public Health Service Commissioned Corps, along with working as a clinical dentist, I worked in health care administration. This included the management of multimillion dollar cost centers for providing medical care to federal prison inmates. One of my duties involved putting out contracts for bid and then monitoring the contractors who were awarded the contracts. I developed yearly budgets and also supervised medical professionals. I served as an acting associate warden on numerous occasions. I have also previously served several terms on the Board of Directors of the Gracewood at River Ridge Homeowners Association.

It would be my distinct honor and privilege to serve on the Waters Edge CDD Board.

Dr. Stephen Scutari

Contact

11058 Bremerton Ct
New Port Richey, FL 34656-4697
727-992-0702 (Mobile)
sscutari@yahoo.com

www.linkedin.com/in/dr-stephen-steve-scutari-048b253b (LinkedIn)

Top Skills

Teaching
Community Outreach
Public Speaking

Languages

Basic Spanish

Dr. Stephen (Steve) Scutari

Retired Dentist & Hospital Administrator. Now a Father & Professional Volunteer!
New Port Richey, Florida

Summary

I am a self made man. I worked hard through my schooling years and funded all of my education through a full college scholarship and successfully repaid school loans. I served in the US Navy Dental Corps and the US Public Health Service Commissioned Corps, from which I have retired. I have also worked in private dental practice. I am currently a single father raising 2 adopted daughters, and donating many volunteer hours (3000+) in local schools attended by my children.

Experience

District School Board of Pasco County
Volunteer
January 2004 - Present

As a school volunteer I do everything that I can to make a teacher's life easier. I tutor students, mentor students, make copies, perform administrative duties, teach on occasion, assist with major class projects, to name a few.

Federal Bureau of Prisons
Chief Dental Officer, Health Services Administrator, Asst. Hospital Administrator
April 1988 - January 1998 (9 years 10 months)
FCI Sandstone; MN, FPC Boron, CA; FCI Bastrop, TX; FMC Rochester, MN; and USP Te

I was a commissioned officer in the US Public Health Services assigned to the Federal Bureau of Prisons.

US Army
General Dentist
July 1987 - April 1988 (10 months)
Fort Hood, TX
General Dentist.

Self Employed General Dentist

Dentist/Owner

October 1985 - June 1987 (1 year 9 months)

Norwich, CT

US Navy

Dental Officer

July 1982 - September 1985 (3 years 3 months)

Naval Submarine Base, New London Connecticut

Active duty military general dentist.

Cardinal Hayes High School

Science Teacher

January 1978 - June 1978 (6 months)

Bronx, New York

General Science and Biology teacher.

Education

New York University - College of Dentistry

Doctorate, Dentistry · (1978 - 1982)

Manhattan College

Bachelor of Science, Biology · (1974 - 1978)

Chaminade High School

High School Diploma, High School/Secondary Diplomas and
Certificates · (1970 - 1974)

Tab 5

RESOLUTION 2019-01

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF WATERS
EDGE COMMUNITY DEVELOPMENT DISTRICT APPOINTING
OFFICERS OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, Waters Edge Community Development District (hereinafter the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within Pasco County, Florida; and

WHEREAS, the Board of Supervisors of the District desires to appoint Officers of the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS
OF WATERS EDGE COMMUNITY DEVELOPMENT DISTRICT:**

Section 1. _____ is appointed Chairman.

Section 2. _____ is appointed Vice Chairman.

Section 3. _____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

Section 4. This Resolution supersedes any prior appointments made by the Board for Chairman and Vice-Chairman.

Section 5. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 29th DAY OF NOVEMBER, 2018.

**WATERS EDGE COMMUNITY
DEVELOPMENT DISTRICT**

CHAIRMAN / VICE CHAIRMAN

ATTEST:

SECRETARY / ASSISTANT SECRETARY

Tab 6

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**WATERS EDGE
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of Waters Edge Community Development District was held on **October 25, 2018, at 3:30 p.m.** at the Waters Edge Clubhouse, located at 9019 Creedmoor Lane, New Port Richey, Florida 34654.

Present and constituting a quorum:

Edward Grillo	Board Supervisor, Chairman
Roger LeBlanc	Board Supervisor, Vice Chairman
Michaela Ballou	Board Supervisor, Assistant Secretary
Michael McCarthy	Board Supervisor, Assistant Secretary

Also present were:

Joe Roethke	Regional District Manager, Rizzetta & Company
Greg Woodcock	District Engineer, Cardno TBE (via phone)
Scott Smith	Regional Manager Community Services, Rizzetta & Company

Audience

FIRST ORDER OF BUSINESS

Call to Order

Mr. Roethke called the meeting to order and performed the roll call.

SECOND ORDER OF BUSINESS

**Audience Comments on Agenda
Items**

There were no audience comments.

THIRD ORDER OF BUSINESS

Staff Reports

- A. District Engineer
1. Presentation of Erosion Report for Belle Haven Drive
 2. Consideration of Proposal from SiteMasters for Erosion Repair on Belle Haven Drive

Mr. Woodcock review an Erosion Report for 11150 and 11152 Belle Haven Drive and reviewed a proposal from SiteMasters to repair these issues. A discussion ensued. The Board would like to notify the resident at

WATERS EDGE COMMUNITY DEVELOPMENT DISTRICT

October 25, 2018 – Minutes of Meeting

Page 2

11150 Belle Haven that repairs need to be made to their lot before the CDD will repair this issue.

On a Motion by Mr. McCarthy, seconded by Mr. LeBlanc, with all in favor, the Board of Supervisors approved the Proposal from SiteMasters for erosion repairs at a cost of (\$2,400.00), while also directing District Staff to notify resident at 11150 Belle Haven to repair issues on their lot so CDD repairs can take place concurrently for the Waters Edge Community Development District.

Mr. Grillo requested Mr. Woodcock to review other areas within the community for potential erosion.

(Mr. Woodcock left at 3:42 p.m.)

B. Aquatics Manager

1. Presentation of October 2018 Waterway Inspection Report

Mr. Roethke presented the Waterway Inspection Report to the Board. A Discussion ensued regarding several maintenance items. The Board reiterated that they do not want any aerators installed.

C. Field Services Manager

1. Presentation of September 2018 Field Inspection Report

Mr. Roethke presented the Field Inspection report to the Board. Mr. McCarthy discussed issues with fire ants & pest issues with trees. Mr. Smith provided comments from the Field Services Manager to the Board. Mr. Grillo discussed the need for coordination between the Field Services Manager and the landscaper regarding the reclaimed water irrigation.

2. Consideration of Proposal from Yellowstone Landscape for Landscape Enhancement

Mr. Roethke presented a proposal from Yellowstone for mulch installation to the Board. The Board noted that this proposal should be directed to the HOA, not the CDD.

D. District Counsel

Mr. Vericker was not present.

Mr. Grillo discussed reclaimed irrigation cost share agreements.

E. District Manager

Mr. Roethke also announced that the next regularly scheduled meeting is scheduled for November 29, 2018 at 3:30 PM at the Waters Edge Clubhouse.

Mr. Roethke presented the Action Item List to the Board. Ms. Ballou noted that the repairs at 11638 Belle Haven Drive are still not completed satisfactorily. Mr. Smith will look into this. The Final open item is completed and can be removed.

FOURTH ORDER OF BUSINESS

Discussion of Board Supervisor Appointment for Vacant Seat #4

Mr. Roethke presented resumes from candidates interested in this vacant Board seat. The Board Tabled this and will revisit this item at the next meeting. A discussion ensued with several of the candidates who submitted resumes.

FIFTH ORDER OF BUSINESS

Consideration of Minutes of the Board of Supervisors' Meeting held on September 27, 2018

Mr. Grillo noted a clarification on line 87 that needs to be changed in the minutes.

On a Motion by Mr. McCarthy, seconded by Mr. LeBlanc, with all in favor, the Board of Supervisors approved the minutes of the Board of Supervisors' Regular meeting held on September 27, 2018, as amended, for the Waters Edge Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Operation and Maintenance Expenditures for September 2018

Mr. Grillo asked about a hog trapping invoice and reiterated that the Board wanted to cancel this service.

On a Motion by Mr. LeBlanc, seconded by Mr. McCarthy, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures for September 2018 (\$15,108.13) for the Waters Edge Community Development District.

SEVENTH ORDER OF BUSINESS

Discussion of Reclaimed Water Connection Application

Mr. Roethke presented a reclaimed water application to the Board. This has already been signed and no action is required by the Board at this time.

EIGHTH ORDER OF BUSINESS

Audience Comments and Supervisor Requests

Resident asked about pond erosion and mowing issues.

Resident asked about security measures for reclaimed pipes.

Resident asked about missed mowing areas.

Mr. Grillo discussed performance and support from the District Manager. A discussion ensued regarding field inspection report timing, reclaimed / well water, meeting attendance, and communication issues on the field services side. A further discussion regarding issues including communication, size of portfolios, and management attention took place.

NINTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. McCarthy, seconded by Ms. Ballou, with all in favor, the Board of Supervisors adjourned the meeting at 5:03 p.m. for Waters Edge Community Development District.

Secretary/Assistant Secretary

Chairman/Vice Chairman

Tab 7

Waters Edge Community Development District

DISTRICT OFFICE · 5844 OLD PASCO ROAD · SUITE 100 · WESLEY CHAPEL, FLORIDA 33544

Operations and Maintenance Expenditures October 2018 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from October 1, 2018 through October 31, 2018. This does not include expenditures previously approved by the Board.

The total items being presented: **\$22,881.58**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Waters Edge Community Development District

Paid Operation & Maintenance Expenditures

October 1, 2018 Through October 31, 2018

Vendor Name	Check Number	Invoice Number	Invoice Description	Invoice Amount
Aquatic Systems, Inc.	001769	0000422826	Monthly Lake & Wetland Services Chem 10/18	\$ 99.00
Aquatic Systems, Inc.	001769	0000423867	Monthly Lake & Wetland Services 10/18	\$ 1,855.00
Edward Grillo	001761	EG092718	Board of Supervisors Meeting 09/27/18	\$ 200.00
EGIS Insurance Advisors LLC	001760	7670	General/POL Liability Insurance FY18/19	\$ 10,220.00
Michael T. McCarthy	001762	MM092718	Board of Supervisors Meeting 09/27/18	\$ 200.00
Michaela A. Ballou	001759	MB092718	Board of Supervisors Meeting 09/27/18	\$ 200.00
Rizzetta & Company, Inc.	001767	INV0000035323	Assessment Roll Preparation FY 18/19	\$ 5,250.00
Rizzetta & Company, Inc.	001768	INV0000035445	District Management Fees 10/18	\$ 3,783.08
Rizzetta Technology Services	001763	INV0000003748	Email/Website Services 10/18	\$ 175.00
Roger LeBlanc	001764	RL092718	Board of Supervisors Meeting 09/27/18	\$ 200.00
Straley Robin Vericker	001766	16196	General Legal Services 08/18	\$ 580.30
Times Publishing Company	001765	683463 09/14/18	Acct # 113848 Legal Advertising 09/18	<u>\$ 119.20</u>
Report Total				<u>\$ 22,881.58</u>



Aquatic Systems, Inc.

LAKE & WETLAND MANAGEMENT SERVICES

2100 NW 33rd Street Pompano Beach, FL 33069

1-800-432-4302 - Fax (954) 977-7877

Invoice

INVOICE DATE: 10/1/2018

INVOICE NUMBER: 0000422826

CUSTOMER NUMBER: 0071191

PO NUMBER:

PAYMENT TERMS: Net 30

Water's Edge CDD-CHEM
C/O Rizzetta & Company
5844 Old Pasco Rd #100
Wesley Chapel, FL 33544

RECEIVED
OCT - 1 2018

BY:

QTY ORD	ITEM DESCRIPTION	U/M	UNIT PRICE	EXT PRICE
1	Monthly Lake and Wetland Services - October-Chem		99.00	99.00

Date Rec'd Rizzetta & Co., Inc. _____

D/M approval CP Date 10/8/18

Date entered OCT 04 2018

Fund 001 GL 53800OC 4605

Check # _____

SALES TAX: (0.0%) \$0.00

LESS PAYMENT: \$0.00

TOTAL DUE: \$99.00

A 1.5% FINANCE CHARGE IS ADDED TO BALANCES 31 OR MORE DAYS PAST DUE

PLEASE RETURN THIS PORTION WITH PAYMENT.
MAKE CHECKS PAYABLE TO: **Aquatic Systems, Inc.**

- ☐ Address Changes (Note on Back of this Slip)
Please include contact name and phone number

DATE: 10/1/2018

INVOICE NUMBER: 0000422826

CUSTOMER NUMBER: 0071191

TOTAL AMOUNT DUE: \$99.00

Aquatic Systems, Inc.
2100 NW 33rd Street
Pompano Beach, FL 33069

AMOUNT PAID:

99.00

THANK YOU FOR YOUR BUSINESS!



Aquatic Systems, Inc.

LAKE & WETLAND MANAGEMENT SERVICES

2100 NW 33rd Street Pompano Beach, FL 33069

1-800-432-4302 - Fax (954) 977-7877

Invoice

INVOICE DATE: 10/1/2018

INVOICE NUMBER: 0000423867

CUSTOMER NUMBER: 0062091

PO NUMBER:

PAYMENT TERMS: Net 30

Water's Edge CDD
C/O Rizzetta & Company
5844 Old Pasco Rd #100
Wesley Chapel, FL 33544

RECEIVED
OCT - 1 2018

BY:

QTY ORD	ITEM DESCRIPTION	U/M	UNIT PRICE	EXT PRICE
1	Monthly Lake and Wetland Services - October		1,855.00	1,855.00

Date Rec'd Rizzetta & Co., Inc. _____

D/M approval CP Date 10/8/18

Date entered OCT 04 2018

Fund 001 GL 53800 OC 4605

Check # _____

SALES TAX: (0.0%) \$0.00

LESS PAYMENT: \$0.00

TOTAL DUE: \$1,855.00

A 1.5% FINANCE CHARGE IS ADDED TO BALANCES 31 OR MORE DAYS PAST DUE

PLEASE RETURN THIS PORTION WITH PAYMENT.
MAKE CHECKS PAYABLE TO: **Aquatic Systems, Inc.**

- ☐ Address Changes (Note on Back of this Slip)
Please include contact name and phone number

DATE: 10/1/2018

INVOICE NUMBER: 0000423867

CUSTOMER NUMBER: 0062091

TOTAL AMOUNT DUE: \$1,855.00

Aquatic Systems, Inc.
2100 NW 33rd Street
Pompano Beach, FL 33069

AMOUNT PAID:

1,855.00

THANK YOU FOR YOUR BUSINESS!

WATERS EDGE CDD

Meeting Date: 09/27/2018

SUPERVISOR PAY REQUEST

Name of Board Supervisor	Check if Present	Check if Paid
Edward Grillo	X	X
Roger LeBlanc	X	X
Michael McCarthy	X	X
Michaela Ballou	X	X

EG 092718
RL 092718
MM 092718
MB 092718

MEETING TIMECARD

Meeting Start Time:	3:30 PM
Meeting End Time:	4:52 PM
Total Meeting Time:	1 Hour 32 Minutes

DM Signature : Christine Perkins

Date Rec'd Rizzetta & Co., Inc. SEP 28 2018
D/M approval CP Date 9/28/18
Date entered SEP 28 2018
Fund 001 GL 51100 OC 1101
Check # _____



Insurance & Risk Advisors



INVOICE

Customer	Waters Edge Community Development District
Acct #	614
Date	09/04/2018
Customer Service	Kristina Rudez
Page	1 of 1

Waters Edge Community Development District
c/o Rizzetta & Company
9428 Camden Field Parkway
Riverview, FL 33578

Payment Information	
Invoice Summary	\$ 10,220.00
Payment Amount	
Payment for:	Invoice#7670
100118646	

Thank You

Please detach and return with payment



Customer: Waters Edge Community Development District

Invoice	Effective	Transaction	Description	Amount
7670	10/01/2018	Renew policy	Policy #100118646 10/01/2018-10/01/2019 Florida Insurance Alliance Package - Renew policy Due Date: 10/4/2018 Date Rec'd Rizzetta & Co., Inc. _____ D/M approval <u>CP</u> Date <u>9/28/18</u> Date entered <u>SEP 27 2018</u> Fund <u>001</u> GL <u>51300</u> OC <u>4501</u> Check # <u>53900</u> <u>4502</u> <u>53900</u> <u>4503</u>	10,220.00
				Total
				\$ 10,220.00

Thank You

FOR PAYMENTS SENT OVERNIGHT:

Egis Insurance Advisors LLC, Fifth Third Wholesale Lockbox, Lockbox #234021, 4900 W. 95th St Oaklawn, IL 60453

Remit Payment To: Egis Insurance Advisors, LLC
Lockbox 234021 PO Box 84021
Chicago, IL 60689-4002

(321)320-7665

cbitner@egisadvisors.com

Date

09/04/2018



PREMIUM SUMMARY

Waters Edge Community Development District (Pasco County)
c/o Rizzetta & Company
9428 Camden Field Parkway
Riverview, FL 33578

Term: October 1, 2018 to October 1, 2019

Quote Number: 100118646

PREMIUM BREAKDOWN

Property (Including Scheduled Inland Marine)	\$5,220
Crime	Not Included
Automobile Liability	Not Included
Hired Non-Owned Auto	Included
Auto Physical Damage	Not Included
General Liability	\$2,500
Public Officials and Employment Practices Liability	\$2,500
TOTAL PREMIUM DUE	\$10,220

IMPORTANT NOTE

Defense Cost - Outside of Limit, Does Not Erode the Limit for General Liability, Public Officials Liability, and Employment related Practices Liability.

Deductible does not apply to defense cost. Self-Insured Retention does apply to defense cost.

Additional Notes:

(None)

Rizzetta & Company, Inc.
3434 Colwell Avenue
Suite 200
Tampa FL 33614

Invoice

Date	Invoice #
10/4/2018	INV0000035323

Bill To:

WATERS EDGE CDD
3434 Colwell Avenue, Suite 200
Tampa FL 33614

Services for the month of	Terms	Client Number
October	Upon Receipt	00345

Description	Qty	Rate	Amount
Assessment Roll (Annual)	1.00	\$5,250.00	\$5,250.00
<div>Date Rec'd Rizzetta & Co., Inc. <u>OCT 04 2018</u> D/M approval <u>CP</u> Date <u>10/8/18</u> Date entered <u>OCT 04 2018</u> Fund <u>001</u> GL <u>51300</u> OC <u>3112</u> Check # _____</div>			
Subtotal			\$5,250.00
Total			\$5,250.00

Rizzetta & Company, Inc.

3434 Colwell Avenue

Suite 200

Tampa FL 33614

Invoice

Date	Invoice #
10/1/2018	INV0000035445

Bill To:

WATERS EDGE CDD
3434 Colwell Avenue, Suite 200
Tampa FL 33614

Services for the month of	Terms	Client Number
October	Upon Receipt	00345

Description	Qty	Rate	Amount
District Management Services	1.00	\$1,901.83	\$1,901.83
Administrative Services	1.00	\$393.75	\$393.75
Accounting Services	1.00	\$1,050.00	\$1,050.00
Financial & Revenue Collections	1.00	\$437.50	\$437.50
<div style="text-align: right;">OCT 08 2018</div> <div>Date Rec'd Rizzetta & Co., Inc. _____</div> <div>D/M approval <u>CP</u> Date <u>10/16/18</u></div> <div>Date entered <u>OCT 11 2018</u></div> <div>Fund <u>001</u> GL <u>51300</u> OC <u>*</u></div> <div>Check # _____</div>			
Subtotal			\$3,783.08
Total			\$3,783.08

Rizzetta Technology Services

3434 Colwell Avenue

Suite 200

Tampa FL 33614

Invoice

Date	Invoice #
10/1/2018	INV0000003748

Bill To:

WATERS EDGE CDD
3434 Colwell Avenue, Suite 200
Tampa FL 33614

Services for the month of	Terms	Client Number
October		00345

Description	Qty	Rate	Amount
Email Hosting	5	\$15.00	\$75.00
Website Hosting Services	1	\$100.00	\$100.00
<div>Date Rec'd Rizzetta & Co., Inc. <u>SEP 25 2018</u></div> <div>D/M approval <u>CP</u> Date <u>9/28/18</u></div> <div>Date entered <u>SEP 27 2018</u></div> <div>Fund <u>001</u> GL <u>51300</u> OC <u>5103</u></div> <div>Check # _____</div>			
Subtotal			\$175.00
Total			\$175.00

Straley Robin Vericker

1510 W. Cleveland Street

Tampa, FL 33606

Telephone (813) 223-9400 * Facsimile (813) 223-5043

Federal Tax Id. - 20-1778458

WATERS EDGE CDD
C/O RIZZETTA & COMPANY
5844 OLD PASCO ROAD
SUITE 100
WESLEY CHAPEL, FL 33544

September 25, 2018
Client: 001219
Matter: 000001
Invoice #: 16196

Page: 1

RE: GENERAL

For Professional Services Rendered Through September 15, 2018

SERVICES

Date	Person	Description of Services	Hours	
8/21/2018	JMV	TELEPHONE CALL WITH CDD MANAGER RE: CDD BOARD MEETING.	0.3	
8/22/2018	JMV	REVIEW AGENDA AND PREPARE FOR CDD BOARD MEETING.	0.4	
8/23/2018	JMV	PREPARE FOR AND ATTEND CDD BOARD MEETING.	0.6	
8/27/2018	LB	REVIEW STATUS OF THE BOARD ADOPTING MEETING DATES FOR THE FY 2018/2019; PREPARE EMAIL TO A. CHRISTENSEN RE SAME.	0.2	
9/6/2018	JMV	REVIEW EMAIL FROM C. PERKINS; REVIEW DRAFT ADDENDUM; DRAFT EMAIL TO C. PERKINS.	0.5	
9/13/2018	JMV	REVIEW EMAIL FROM B. MURPHY; REVIEW LEGAL NOTICE.	0.2	
Total Professional Services			2.2	\$580.00

PERSON RECAP

Person	Hours	Amount
JMV John M. Vericker	2.0	\$550.00
LB Lynn Butler	0.2	\$30.00

September 25, 2018
Client: 001219
Matter: 000001
Invoice #: 16196

Page: 2

DISBURSEMENTS

Date	Description of Disbursements	Amount
9/15/2018	Photocopies (2 @ \$0.15)	\$0.30
	Total Disbursements	\$0.30
	Total Services	\$580.00
	Total Disbursements	\$0.30
	Total Current Charges	\$580.30
	PAY THIS AMOUNT	\$580.30

Please Include Invoice Number on all Correspondence

Date Rec'd Rizzetta & Co., Inc. SEP 26 2018
D/M approval CP Date 9/28/18
Date entered SEP 27 2018
Fund 001 GL 51400 OC 3107
Check # _____

[illegible]

Tampa Bay Times
Published Daily
RECEIVED
SEP 21 2018

STATE OF FLORIDA } ss
COUNTY OF Pasco County

BY:

Before the undersigned authority personally appeared **Deirdre Almeida** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter RE: **Meeting Schedule** was published in **Tampa Bay Times**: 9/14/18, in said newspaper in the issues of **Baylink Pasco**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Pasco County, Florida and that the said newspaper has heretofore been continuously published in said Pasco County, Florida, each day and has been entered as a second class mail matter at the post office in said Pasco County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

Signature of Affiant

Sworn to and subscribed before me this 09/14/2018.

Signature of Notary Public

Personally known _____ or produced identification

Type of identification produced _____



NOTICE OF PUBLIC MEETING DATES WATERS EDGE COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the Waters Edge Community Development District will hold their regular monthly meetings for Fiscal Year 2018/2019 at the Waters Edge Clubhouse, located at 9019 Creedmore Lane, New Port Richey, FL 34654 at 3:30 p.m., *with the exception of the months of (January, March, May and July) to be held at 5:00 p.m. on the dates as follows:

October 25, 2018
November 29, 2018 (Thanksgiving is the 4th Thursday)
December 27, 2018
January 24, 2019 *
February 28, 2019
March 28, 2019 *
April 25, 2019
May 23, 2019 *
June 27, 2019
July 25, 2019 *
August 22, 2019
September 26, 2019

There may be occasions when one or more Supervisors will participate by telephone. At the above location will be present a speaker telephone so that any interested person can attend the meeting at the above location and be fully informed of the discussions taking place either in person or by telephone communication. Any meeting may be continued to a date, time, and place approved by the Board on the record at the meeting without additional publication of notice.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the District Office at (813) 994-1001, at least 48 hours before the meetings. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

Christine Perkins
District Manager

Run Date: 09-14-2018

683463

Tab 8



Waters Edge CDD Waterway Inspection Report

Reason for Inspection: Routine Scheduled

Inspection Date: 11/16/2018

Prepared for:

Ms. Christine Perkins, District Manager
Rizzetta & Company
9428 Camden Field Parkway
Riverview, Florida 33578

Prepared by:

Morgan Melatti, Account Representative/Biologist

Aquatic Systems, Inc. - Wesley Chapel Field Office

Corporate Headquarters

2100 N.W. 33rd Street, Pompano Beach, FL 33069

1-800-432-4302

Site: A2



Comments: Site looks good

Pond A2 was seen with a significant reduction in the submersed plant, Slender Spikerush, during the site visit. Treatments applied during the maintenance visit on 11/5/18 have had positive results on both the Slender Spikerush and shoreline grasses seen decomposing.

Site: AA1, 52



Comments: Treatment in progress

Site #52 (above) was seen with decomposing lilies and Slender Spikerush from the treatments applied during the maintenance visit on 11/12/18. The bottom of the site is beginning to emerge from the water's surface in the middle. The back pond AA1 was seen with a slight surface film during the site visit which will be monitored.

Site: L10



Comments: Treatment in progress

Site L10 was seen with normal growth of Slender Spikerush, which was targeted during the maintenance visit on 11/12/18. Filamentous algae and shoreline grasses were targeted as well, with positive results seen during the site visit.

Site: L17, L16



Comments: Site looks good

Sites L17 (above) and L16 (top and bottom right) were both seen in good condition during the site inspection. Monitoring and maintenance will continue as scheduled in the sites.

Waters Edge CDD Waterway Inspection Report 11/16/2018

Site: L2



Comments: Site looks good

Pond L2 was treated for filamentous algae, Slender Spikerush and shoreline grasses on 11/12/18. No filamentous algae was seen during the site inspection and grasses were decomposing from the treatment.

Site: L4



Comments: Site looks good

Pond L4 was seen in good condition with high water clarity and no new filamentous algae. Shoreline erosion was observed (above). A native plant installation is recommended for the littoral shelf of the site (pictured top right).

Waters Edge CDD Waterway Inspection Report 11/16/2018

Site: L1



Comments: Site looks good

Site L1 was seen in good condition during the site visit. A minor amount of planktonic algae growth was seen (bottom right) and will be targeted at an upcoming maintenance visit.

Site: F1



Comments: Normal growth observed

Site F1 was seen with normal growth of shoreline grasses such as Torpedograss. This growth will be targeted at an upcoming maintenance visit. Juvenile Pickerelweed plants (top right) were seen popping up along the perimeter of the site and will be promoted.

Waters Edge CDD Waterway Inspection Report 11/16/2018

Site: C1



Comments: Treatment in progress

Pond C1 was treated for filamentous algae during the maintenance visit on 11/5/18. Minor amounts of filamentous algae remained during the site visit, which should continue to decompose over the next week.

Management Summary

The waterway inspection report for Waters Edge CDD was performed on November 16th, 2018 on eleven sites in the community. Treatments for submersed vegetation, predominantly Slender Spikerush, have been extensive since rainfall has decreased and water levels have dropped in the community. Treatments for Slender Spikerush have had excellent results with the majority of ponds experiencing significant control of the submersed plant. Algae activity was low during the site inspection, with many ponds receiving algaecide applications at the beginning of November. Shorter sunlight hours and lower temperatures combined with excellent treatment timing have offered longer control of filamentous and planktonic algae across the waterways.

A native plant installation is recommended for the littoral shelf of site L4. A littoral shelf is a shallow area of a pond near an outflow structure where plants can be held to aid in the abatement of pollutants introduced by storm water runoff. This littoral area is currently bare and would be an excellent candidate for a planting in the Spring 2019.

Recommendations/Action Items

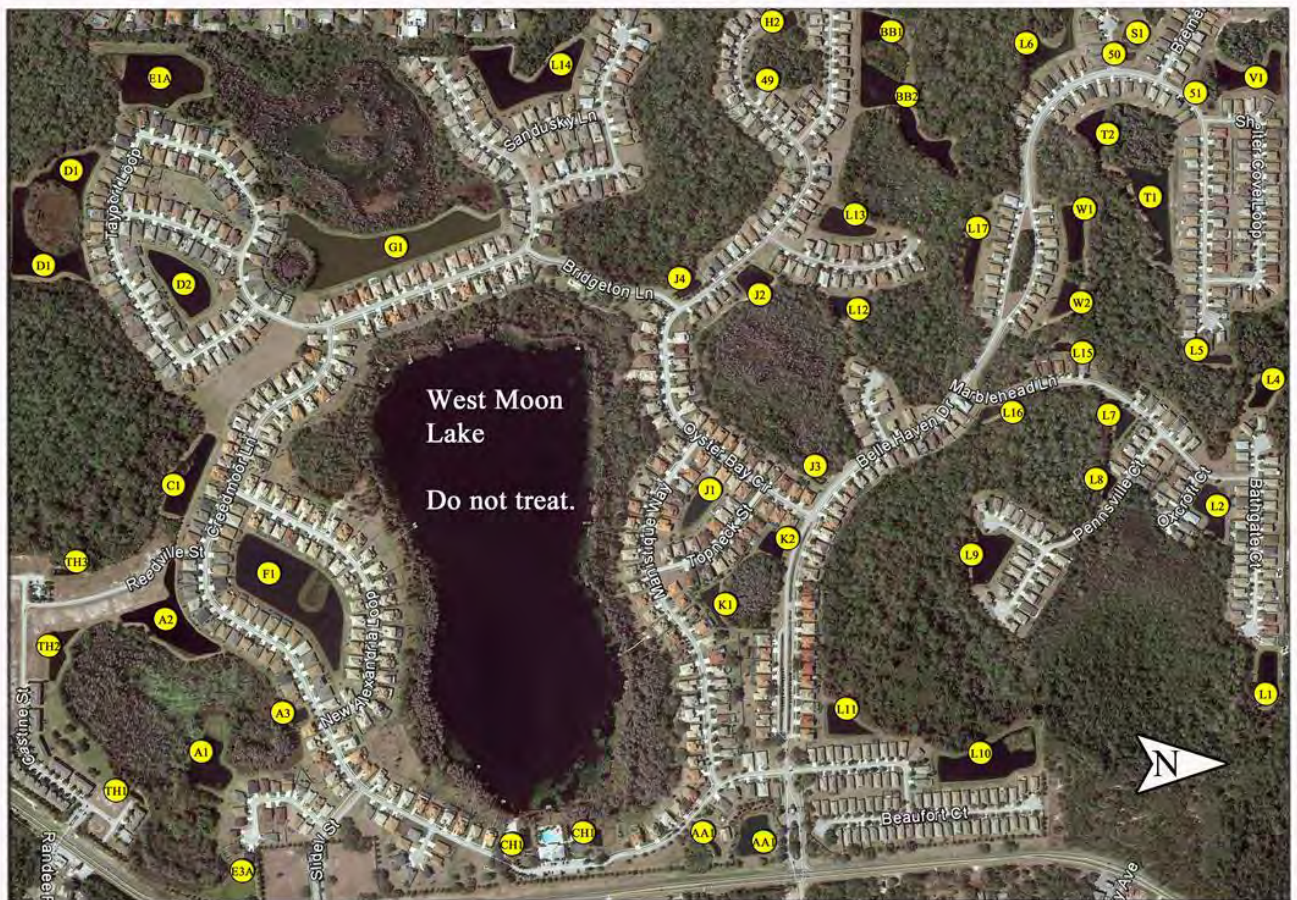
- Continue Routine Maintenance.
- Monitor Slender Spikerush Treatments.
- An Installation of Native Plants is Recommended for Pond L4.

Thank You For Choosing Aquatic Systems, Inc.!



Water's Edge CDD
New Port Richey, Florida

1-800-432-4302



JK 11/2015

Tab 9

WATERS EDGE

FIELD INSPECTION REPORT



October 25, 2018
Rizzetta & Company
Tyree Brown- Field Services Manager



Rizzetta & Company
Professionals in Community Management

Summary & Waters Edge

General Updates, Recent & Upcoming Maintenance Events












Staff needs to communicate with management and landscaper when ever adjustments are made to community irrigation controllers.

Give proposals from construction damage.

Make noted irrigation repairs.

Schedule new flowers for community.

The following are action items for Yellowstone to complete. Please refer to the item # in your response listing action already taken or anticipated time of completion. **Red text** indicates deficient from previous report. **Bold Red text** indicates deficient for more than a month. **Green text** indicates a proposal has been requested. **Blue** indicates irrigation.

1. Prune Jasmine Minima growing up the wall of the clubhouse on the north side 
2. Treat active fire ant mounts in the community. 
3. Schedule changing of community annuals. 
4. Prune stub cuts on Live Oak by resident over the wall of Moon Lake Rd back to trunk. 
5. Remove all dead plant material in the plant bed along the Moon Lake Rd frontage north of Belle Haven. 
6. Give proposal to replace dead Azaleas at the center median plant bed at the gate house on Belle Haven.
7. Check potential irrigation leaks along the turf of Moon Lake. Conditions are dry.(photo 37) 
8. Repair broken irrigation drip line along the Moon Lake Rd plant bed frontage in several locations north of Belle Haven. 
9. Repair broken irrigation drip line along the Moon Lake Rd plant bed frontage south of Belle Haven. 
10. Line trim under the Wax Myrtle along the Moon Lake Rd frontage south of Belle Haven entrance. 
11. Pin down exposed irrigation drip line in the Moon Lake Rd frontage. 
12. Debris from the county work on Moon Lake Rd stills needs to be picked up.
13. Place exposed irrigation valve into valve box 



Waters Edge

along the Moon Lake Rd frontage north of Slidell.

14. Allow shrubs on the north side of the Slidell entrance to grow to the same height as the ones on the south side.

15. Repair weeping irrigation valve at the Slidell entrance just inside the gate the north side.(photo 41)

16. Remove vine growth from the wall on the backside of Moon Lake Rd south end.

17. Prune Laurel Cherry in the park area across



from the boat ramp on Creedmoor to 6 foot clear trunk.

18. Give proposal to repair turf from construction trenching back of sidewalk at the Belle Haven entrance south side.

19. Give proposal to sod common area where construction was completed just inside the Slidell gate north side.

20. Monitor Grand Live Oak in the common area on Creedmoor across from the boat ramp. Tree is under stress and in decline.

21. Cut back African Iris over the sidewalk on the south side of the clubhouse.

22. Give proposal to repair washout next to sidewalk on the south side of the clubhouse

23. Develop plan to clean up dead limbs from Palmettos at the parking on Bridgeton.

24. Replace irrigation valve box cover on the Moon Lake Rd frontage south of Belle Haven.

25. Give proposal to replace turf in the right of way at the boat ramp entrance on Creedmoor.

26. Replace turf from fungus damage at the clubhouse parking lot.

27. Replace dead Maple in the passive park on Edistro.

28. Flush cut dead Oleander on the south side of the clubhouse next to small stormwater pond.

29. Give proposal to replace frost damage Duranta at the clubhouse parking lot near the clubhouse entrance.

30. Remove vines from the Muhly Grass around the outside of the fence of the clubhouse pool area.

31. Prune Jasmine Minima along the fence line of the pool area of the clubhouse on the north side.

32. Prune Philodendron through fence parking lot



33. Replant pond bank on Belle Haven with ornamental grasses that were mowed.



Waters Edge

34. Treat Ornamental grasses in the island beds of Belle Haven for spider mites.

35. Give proposal to plants of color at the marquee at the clubhouse parking lot to draw attention.

36. Since District reclaimed water project is complete, recommend District begin plant replacement project at the Belle Haven entrance that has been approved.

37. Prune shrubs along the wall behind the homes on Briggs Marsh Ct.

72



38. Give proposal to maintain the plant install of the stormwater pond bank on Belle Haven requested by resident and reviewed by Engineer.

39. Give proposal to selectively mulch community.

40. Prune Live Oaks along the wall at the cul de sac of Briggs Marsh

41. Treat ornamental grasses at the storm water pond on Creedm south side for spider mites.

42. Recommend CDD obtain permit from SWFWMD to remove Sand Pine in conservation area in serious decline next to home on Biddeford. (photo 72)

43. HOA needs to approve proposal to remove fallen tree in the right of way of Oyster Bay. (photo 74)

44. Replace under warranty several dead plants in the island beds of Belle Haven from recent project.

45. Give proposal to fill in areas of Holley shrubs in the island beds of Belle Haven from plant rejuvenation.

74



Ventana

1. Treat active fire ant mounds in the community.



2. Recommend placing pavers at each mailbox. Too much traffic for turf to survive. (photo 82)

3. Cut back ornamental grasses growing through the fence at the pool area.



4. Weed pool area plant beds.



5. Allow the Jasmine Minima to grow in in the pool parking lot plant beds.



6. Treat ornamental grasses at the pool area for spider mites.



14. Replace turf next to community mailbox on Castine east side under warranty.



7. Prune sucker growth from all Live Oaks in the community.



8. Spray Live Oak suckers in the plant beds of the community.



9. Prune Lirione over the entry sidewalks to several to homes.



10. Weed Lorapetalum plant bed at 11919 Castine.



11. Weed entry monument plant bed. (photo 90)



12. Schedule annual change out.



13. Remove dead Indian Hawthorne in the right of way of the community entrance.



Tab 10

Christine and Tyree,

Below is a brief description of the work we will be performing on the newly installed lake bank on Belle Haven that had erosion repair work completed. Please let me know if you have any further questions or comments. Thank you and have a great day.

- Since there is no plant/turf separation, we agreed to let the Fakahatchee grasses and Bahia turf grow into a natural buffer. Once the native grasses have established there will be no way for our maintenance teams to properly line trim around these grass without damaging the plants.
- Monthly we will line trim around the grasses, so this section of the lake bank will look unmaintained for most of the month. The Bahia in the Summer months can get to 2-3 feet in overall height and during our monthly
- We will need to budget to spray the native grasses for Spider Mites, at least 4 times per year.
 - These grasses will need at least 3 fert. applications per year to maintain health and vigor
- 2 times per year the native grasses will need to be cut back and reset.

Yellowstone is willing to perform these services at no additional cost to the District, but I wanted to make the District aware of what maintenance practices we will be taking on with this area. Thank you.

Brett Perez | General Manager- West Florida

Tab 11

Waters Edge Action Item List

Resident Correspondence Tracking

Timeframe	Number of Inquiries Received	Topics of Discussion
10/25/2018-11/21/2018	5	Several phone and E-mail Inquiries were received regarding topics including: road maintenance agreements, clarification of vegetative encroachment from the Conservation Area, and general property tax questions.

Current Open Items

Date	Topic	Updates
9/27/2018	Erosion Repairs	Erosion Repairs and Landscape Enhancements have been performed at 11638 Belle Haven Drive and are under continuous discussion and assessment by the District Engineer and Yellowstone to remediate any deficiencies.
10/25/2018	Erosion Repairs	Resident at 1150 Belle Haven Drive was notified of the District Engineer's findings pertaining to their ground cover contributing to erosion on the pond bank behind their home. A response has not been received by the homeowner at this time.
10/25/2018	Erosion Repairs	The District Engineer has been asked to assess other prospective erosion repairs throughout the District. This is an ongoing issue.

Tab 12

IRRIGATION AND MAINTENANCE COST SHARING AGREEMENT

This Irrigation and Maintenance Cost Sharing Agreement (the “**Agreement**”) is entered into as of the 22nd day of November, 2018, by and between the **Waters Edge Community Development District** (the “**District**”), a special purpose unit of local government organized and existing under Chapter 190, Florida Statutes and the **Waters Edge Master Association, Inc.**, a Florida non-profit corporation (the “**Association**”).

BACKGROUND INFORMATION

The Waters Edge Community Irrigation System consists of a system of irrigation lines, wells and pumps that provide irrigation water for the District common areas, the Association common areas and the private homes within the community (the “**Waters Edge Community Irrigation System**”). The District owns and maintains the pumps, wells and lines on its property, and the Association owns and maintains the pumps, wells and lines on its property. In general, the central irrigation system distribution lines are located in the utility easements between the sidewalk and the road and are owned and maintained by the Association. The homeowners own and maintain the private irrigation lines serving their private lots. A map showing the Waters Edge Community Irrigation System is attached as **Exhibit “A”**.

In January of 2018, the District and the Association entered into the Bulk Services Agreement with Pasco County (the “**County**”) which will allow the Waters Edge Community Irrigation System to connect into the County’s reclaimed water system starting in October of 2018. The District owns and maintains Pond AA1 which will serve as the central irrigation pond for the Waters Edge Community Irrigation System.

The County is filling Pond AA1 with reclaimed water which will provide reclaimed irrigation water for the Waters Edge Community Irrigation System. The District and the Association will continue to maintain the irrigation pumps and wells located on their common areas as a back-up source of water for the Waters Edge Community Irrigation System. All secondary irrigation pumps have been “capped” and terminated (with the exception of the well and pump serving the Waters Edge townhomes). At this time, the District and the Association desire to enter into this Agreement so that each entity will pay its proportionate share of the costs for the reclaimed irrigation water provided by the County to the community common areas.

OPERATIVE PROVISIONS

1. **District Obligations.** The District shall serve as the lead agency for the operation of the Waters Edge Community Irrigation System. As the lead agency, the District shall provide the Association with the amount and cost of reclaimed water provided to Pond AA I by the County each month, and the District shall send the County the payment for the costs of the reclaimed water provided to Pond AA I each month on timely basis. In turn, the District will invoice the Association for the cost of watering their portion of the Waters Edge common areas. Historically, approximately 12% to 17% of the total annual irrigation water in Waters Edge has been used for watering Association and District common areas. The Association is responsible for 60% of the costs and the District is responsible for 40% of the costs as outlined in Section 3 below. The District, at its expense, shall operate and maintain Pond AA I and the irrigation wells and pumps located on District owned common areas.

2. **Association Obligations.** The Association shall provide irrigation maintenance support, irrigation technical support, and shall monitor the operation of the Waters Edge Community Irrigation System, except the Association will not provide for the maintenance and technical support of, nor monitoring for, Pond AA I and the irrigation wells and pumps located on District owned common areas which are a District obligation under paragraph 1 above. The Association's monitoring obligation shall include the visual observation of irrigation head operation, and the look-out for any leaks. Additionally, the Association shall monitor irrigation use of homeowners connected to the Waters Edge Community Irrigation System. The Association shall issue violation notices to homeowners who are operating their irrigation system on a day, at a time, or for a duration that is contrary to the applicable County ordinance and Association/District guidelines. The Association shall take enforcement action if there is found to be a violation. Enforcement action can include warning letters, disconnection of the lot from reclaimed water irrigation, and the installation of a device that restricts the use of the irrigation system to the date and duration required by the County ordinance. The kind of enforcement action to be taken shall be at the discretion of the Association. The Association, at its expense, shall operate and maintain the irrigation wells and pumps located on Association owned common areas.

3. **Cost Sharing.** The parties acknowledge and agree that the Association uses 60%, and the District uses 40% of the irrigation water per month for their common areas. If a distribution line or other part of the central irrigation equipment is not on land owned by either the District or the Association, the cost sharing formula in this section applies. On or before the 15th day of each month throughout the term of this Agreement, the Association agrees to pay the District 60% of the costs of the reclaimed irrigation water provided by the County for the previous month.

4. **Term of Agreement.** This Agreement shall remain in effect for the duration of the Bulk Services Agreement for Reclaimed Water with the County.

5. **Construction of Language.** The paragraph headings and titles are not a part of this Agreement and shall have no effect upon the construction and interpretation of any part hereof.

6. **Successors and Assigns.** This Agreement shall bind and inure to the benefit of the successors and assigns of the parties hereto.

7. **Non-Waiver.** No waiver of any covenant or condition of this Agreement by either party shall be deemed to imply or constitute a further waiver of the same covenant or condition or any other covenant or condition of this Agreement.

8. **Amendment.** This Agreement may not be altered, changed or amended, except by an instrument in writing, signed by both parties hereto.

9. **Governing Law.** This agreement shall be governed by Florida law with venue in Pasco County, Florida.

10. **Enforcement of Agreement.** In the event either party is required to enforce this Agreement or any provision hereof by court proceedings or otherwise, the prevailing party shall

be entitled to recover from the non-prevailing party all fees and costs incurred, including but not limited to reasonable attorneys' fees incurred prior to or during any litigation or in appellate proceedings.

11. **Notices.** All notices, requests, consents and other communications hereunder (“**Notices**”) shall be in writing and shall be delivered, mailed by Federal Express or First Class Mail, postage prepaid, to the parties, as follows:

A. If to Association: Waters Edge
Master Association, Inc.
5844 Old Pasco Road, Suite 100,
Wesley Chapel, Florida 33544

B. If to District: Waters Edge Community
Development District
5844 Old Pasco Road, Suite 100
Wesley Chapel, Florida 33544

With a copy to:
Straley Robin Vericker
1510 W. Cleveland St.
Tampa, Florida 33606

12. **Limitations on Governmental Liability.** Nothing in this Agreement shall be deemed as a waiver of immunity or limits of liability of District beyond any statutory limited waiver of immunity or limits of liability which may have been adopted by the Florida Legislature in Section 768.28, Florida Statutes or other statute, and nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim which would otherwise be barred under the Doctrine of Sovereign Immunity or by operation of law.

13. **Public Records.** As required under Section 119.0701, Florida Statutes, Association shall (a) keep and maintain public records required by the District in order to perform the service, (b) upon request from the District’s custodian of public records, provide the District with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by law, (c) ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the Association does not transfer the records to District, (d) meet all requirements for retaining public records and transfer, at no cost, to the District all public records in possession of the Association upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the District in a format that is compatible with the information technology systems of the District.

IF THE ASSOCIATION HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE ASSOCIATION’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (813) 514-0400, OR BY

EMAIL AT INFO@RIZZETTA.COM, OR BY REGULAR MAIL AT 3434 COLWELL AVENUE, SUITE 200, TAMPA, FLORIDA 33614.

IN WITNESS WHEREOF, the District and Association have caused this instrument to be executed as of the date first above written, by their respective officers or parties thereunto duly authorized.

The Waters Edge Master Association, Inc.
a Florida non-profit corporation

**Waters Edge
Community Development District**

By: _____
Michael T. McCarthy
President

By: _____
Edward F. Grillo, Jr.
Chairman of the Board of Supervisors

Tab 13

**CASCADE FOUNTAINS DIV.
FOUNTAIN DESIGN GROUP, INC.**

7628 N.W 6th AVENUE BOCA RATON, FL. 33487
SERVICE CENTERS : ORLANDO AND TAMPA
PHONE: (800) 446-1537 FAX (561) 994-3944

PROPOSAL # 4615

Date: October. 25, 2018

To: Waters Edge
9019 Creedmoor Land
New Port Richie, Fl. 34654
Attn: Patty Croon
Phone:
Fax:
Email: wedgecomhoa@gmail.com

Ship To: Waters Edge
9019 Creedmoor Lane
New Port Richie, Fl. 34654

Equipment: Front Architectural Fountain Repair

Scope of Work:

Our Service Technician, Steve Miskowic has advised the the lights on the fountain have failed. We will need to repair the light system and replace 500' of 10/3 Submersible Power cables for the system.

If you wish us to proceed with the needed repairs please sign below and return to our office. Please do not hesitate to contact us if you have any questions.

Cost Not To Exceed \$ 3,000.00

Respectfully Submitted,
FOUNTAIN DESIGN GROUP

Acceptance of Proposal: The above price, specifications, and conditions are satisfactory and are hereby accepted.
Fountain Design Group, Inc. is authorized to complete the work as specified.

Signature:

Date of Acceptance:

CONDITIONS

All work is to be completed in a workmanlike manner . Any alteration from specifications involving extra costs will be executed only upon written approval from the client, and will become an additional charge from the approved proposal amount

FOUNTAIN DESIGN GROUP, INC.
 CASCADE FOUNTAINS
 7628 NW 6th AVENUE
 BOCA RATON, FL. 33487
 1-800-446-1537

Invoice

DATE	INVOICE #
8/19/2015	73922

BILL TO
WATERS EDGE CDD 5844 Old Pasco Road, Suite 100 Wesley Chapel, FL 33544

SHIP TO
WATERS EDGE 9019 CREEDMOOR LANE NEW PORT RICHEY, FL 34654

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT
	Due on receipt	RP	8/19/2015		SM - RR	

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
2	30-9999	RECONDITIONED 1 1/4" CASCADE JETS	100.00	200.00
8	50-8005	500 WATT LIGHT	75.00	600.00
1	71-1302	SQ D 20A 1 POLE GFI	116.13	116.13
1	70-6535	35 MFD RUN CAPACITOR	35.00	35.00
1	70-6540	40 MFD RUN CAPACITOR	35.00	35.00
	LABOR	TECHNICIANS FOUND THAT THE MANIFOLD ON THE FOUNTAIN WAS BROKEN, THEY REPLACED THE PLUMBING, REPAIRED THE LIGHTING SYSTEM, REPLACED TWO MISSING JETS, AND PULLED THE FOUNTAIN OUT INTO THE LAKE	850.00	850.00
		SALES TAX	7.00%	0.00

RECEIVED
 AUG 21 2015
 Date Rec'd Hizzetta & Co., Inc.
 M approval [Signature] Date 8-31-15
 Date entered AUG 26 2015
 Fund 001 GL 53800 OC 4601 ✓
 Check # _____

			Total	✓ \$1,836.13
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FOUNTAIN DESIGN GROUP, INC.
CASCADE FOUNTAINS
7628 NW 6th AVENUE
BOCA RATON, FL. 33487
1-800-446-1537

Invoice

DATE	INVOICE #
9/30/2015	74237

BILL TO
WATERS EDGE CDD c/o RIZZETTA & CO. 3434 COLWELL AVENUE, STE # 200 TAMPA, FL. 33614

SHIP TO
WATERS EDGE 9019 CREEDMOOR LANE NEW PORT RICHEY, FL 34654

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT
	Due on receipt	SC	9/30/2015		SM	

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE OF THE ONE LAKE FOUNTAIN SALES TAX	335.00 7.00%	335.00 0.00
<div>RECEIVED OCT 06 2015 Date Rec'd Rizzetta & Co., Inc. _____ D/M approval <u>[Signature]</u> Date <u>10-12-15</u> Date entered <u>OCT 09 2015</u> Fund <u>001</u> GL <u>53800</u> OC <u>4601</u> Check # _____</div>				
Total				\$335.00

FOUNTAIN DESIGN GROUP, INC.
CASCADE FOUNTAINS
7628 NW 6th AVENUE
BOCA RATON, FL. 33487
1-800-446-1537

Invoice

DATE	INVOICE #
12/11/2015	74714

BILL TO
WATERS EDGE CDD c/o RIZZETTA & CO. 3434 COLWELL AVENUE, STE # 200 TAMPA, FL. 33614

SHIP TO
WATERS EDGE 9019 CREEDMOOR LANE NEW PORT RICHEY, FL 34654

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT
	Due on receipt	SC	12/11/2015		SM	

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE OF THE ONE LAKE FOUNTAIN	335.00	335.00
		SALES TAX	7.00%	0.00
<div>RECEIVED DEC 15 2015 date received RIZZETTA & CO., INC. <u>820</u> M approval <u>820</u> Date <u>12 18 15</u> date entered <u>DEC 18 2015</u> ind <u>001</u> GL <u>53800</u> OC <u>4601</u> col # _____</div>				
Total				\$335.00

FOUNTAIN DESIGN GROUP, INC.
 CASCADE FOUNTAINS
 7628 N.W. 6th AVENUE
 BOCA RATON, FL. 33487
 Phone # 561-994-3939

Invoice

Date	Invoice #
3/18/2016	10440

Bill To
WATERS EDGE CDD RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	RP	3/18/2016		SM - RR - JH	

Quantity	Item Code	Description	Price Each	Amount
1	20-6101	INSTALLATION OF A NEW 10 H.P. 230 V 1 PH 6" FRANKLIN MOTOR SUBMERSIBLE ON THE DOWNED LAKE FOUNTAIN	2,810.00	2,810.00
	REPAIR	TECHNICIANS CUT THE POWER CABLES FOR THE FOUNTAIN AND STRAIGHTEN BOTH CABLES OUT. THEY CHECKED CABLES FOR ANY POSSIBLE ISSUES. ONCE COMPLETED CABLES WERE REATTACHED TO POWER SUPPLY AND FOUNTAIN WAS RESTARTED.	1,015.36	1,015.36
		SALES TAX	7.00%	0.00

RECEIVED
 MAR 21 2016

Date Rec'd Dist Office _____
 DM Approval SO Date 3-28-16
 Date Entered MAR 25 2016
 Fund 001 GL 53800 OC 4601
 C. _____

			Total	\$3,825.36
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FOUNTAIN DESIGN GROUP, INC.
CASCADE FOUNTAINS
7628 N.W. 6th AVENUE
BOCA RATON, FL. 33487
Phone # 561-994-3939

Invoice

Date	Invoice #
3/18/2016	10441

Bill To
WATERS EDGE CDD RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	SC	3/18/2016		SM	

Quantity	Item Code	Description	Price Each	Amount
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE SALES TAX	335.00 7.00%	335.00 0.00
<div>Date Rec'd Dist Office _____</div> <div>DM Approval <u>SO</u> Date <u>3-28-16</u></div> <div>Date Entered <u>MAR 25 2016</u></div> <div>Fund <u>001</u> GL <u>53800</u> OC <u>4601</u></div> <div>Check # _____</div>				

RECEIVED
MAR 21 2016

			Total	\$335.00
--	--	--	--------------	----------

FOUNTAIN DESIGN GROUP, INC.
CASCADE FOUNTAINS
7628 N.W. 6th AVENUE
BOCA RATON, FL. 33487
Phone # 561-994-3939

Invoice

Date	Invoice #
6/22/2016	11134

Bill To
WATERS EDGE CDD RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	SC	6/22/2016		SM	

Quantity	Item Code	Description	Price Each	Amount
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE	335.00	335.00
		SALES TAX	7.00%	0.00
<div>RECEIVED JUN 24 2016 date received <u>6/22/2016</u> by/Approval <u>[Signature]</u> Date <u>7-6-16</u> date entered <u>JUL 01 2016</u> fund <u>001</u> GL <u>53800</u> OC <u>4601</u> check #</div>				

			Total	\$335.00
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FOUNTAIN DESIGN GROUP, INC.
 CASCADE FOUNTAINS
 7628 N.W. 6th AVENUE
 BOCA RATON, FL. 33487
 Phone # 561-994-3939

Invoice

Date	Invoice #
9/28/2016	11860

RECEIVED
 OCT - 4 2016

Bill To
WATERS EDGE CDD RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

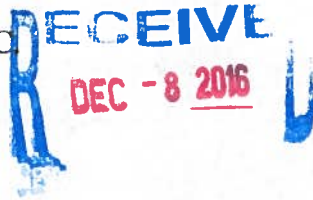
Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	SC	9/28/2016		SM	

Quantity	Item Code	Description	Price Each	Amount
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE SALES TAX	335.00 7.00%	335.00 0.00
<p>Date Rec'd Dist Office _____</p> <p>DM Approval <u>SO</u> Date <u>10-10-16</u></p> <p>Date Entered <u>OCT 07 2016</u></p> <p>Furn <u>001</u> GL <u>53800</u> OC <u>4601</u></p> <p>Case _____</p>				

Total			\$335.00
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FOUNTAIN DESIGN GROUP, INC
CASCADE FOUNTAINS
7628 N.W. 6th AVENUE
BOCA RATON, FL. 33487
Phone # 561-994-3939



Invoice

Date	Invoice #
12/7/2016	12338

Bill To
WATERS EDGE CDD RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

Ship To

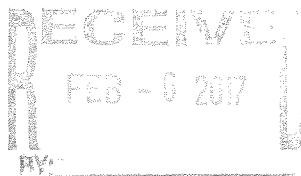
P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	SC	12/7/2016		JH	

Quantity	Item Code	Description	Price Each	Amount
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE SALES TAX	335.00 7.00%	335.00 0.00
<div>Date Rec'd Dist Office _____</div> <div>DM Approval <u>W</u> _____</div> <div>Date Entered <u>DEC 12 2016</u> _____</div> <div>Fund <u>001</u> GL <u>53800</u> CC <u>4601</u> _____</div> <div>Check # _____</div>				

			Total	\$335.00
--	--	--	--------------	----------

FOUNTAIN DESIGN GROUP, INC.
 CASCADE FOUNTAINS
 7628 N.W. 6th AVENUE
 BOCA RATON, FL. 33487
 Phone # 561-994-3939

Invoice



Date	Invoice #
1/31/2017	12705

Bill To
WATERS EDGE CDD RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	RP	1/31/2017		SM - TW	

Quantity	Item Code	Description	Price Each	Amount
1	20-7200	INSTALLATION OF A NEW 20HP PUMP END INSTALLED ON THE DOWNED LAKE FOUNTAIN AT THE TIME OF WARRANTY MOTOR CHANGE OUT	2,745.00	2,745.00
1	201-1001	WARRANTY MOTOR CHANGE OUT, 10HP 230V 1PH ON THE DOWNED FOUNTAIN	0.00	0.00
		SALES TAX	7.00%	0.00

Date Rec'd Dist Office _____
 DM Approval AK Date FEB 09 2017
 Date Entered _____
 Fund 001 GL 53800 OC 4601
 C. _____

Total			\$2,745.00
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FOUNTAIN DESIGN GROUP, INC.

CASCADE FOUNTAINS
7628 N.W. 6th AVENUE
BOCA RATON, FL. 33487
Phone # 561-994-3939

Invoice

Date	Invoice #
6/29/2017	13740

Bill To
WATERS EDGE RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

Ship To
WATERS EDGE CDD

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	SC	6/29/2017		TW	
Quantity	Item Code	Description			Price Each	Amount
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE			335.00	335.00
		SALES TAX			7.00%	0.00
<div>Date Rec'd Dist Office _____</div> <div>DM Approval <u>UK</u> Date _____</div> <div>Date Entered <u>JUL 05 2017</u></div> <div>From <u>001</u> GL <u>53800</u> OC <u>4601</u></div> <div>RECEIVED JUL - 5 2017</div>						
					Total	\$335.00

FOUNTAIN DESIGN GROUP, INC.
CASCADE FOUNTAINS
7628 N.W. 6th AVENUE
BOCA RATON, FL. 33487
Phone # 561-994-3939

Invoice

Date	Invoice #
9/22/2017	14306

Bill To
WATERS EDGE RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	SC	9/22/2017		TW	
Quantity	Item Code	Description	Price Each	Amount		
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE	335.00	335.00		
		SALES TAX	7.00%	0.00		
		<i>fountain in CDD Pond</i>				
		RECEIVED SEP 26 2017				
		Date Rec'd Rizzetta & Co., Inc. _____				
		D/M approval <i>CH</i> _____ Date _____				
		Date entered _____ SEP 27 2017				
		Fund <u>001</u> GL <u>53800</u> OC <u>4601</u>				
		Check # _____				
Total				\$335.00		


FOUNTAIN DESIGN GROUP, INC.
CASCADE FOUNTAINS
7628 N.W. 6th AVENUE
BOCA RATON, FL. 33487
Phone # 561-994-3939

Invoice

Date	Invoice #
12/8/2017	14927

Bill To
WATERS EDGE RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	SC	12/8/2017		TW	
Quantity	Item Code	Description	Price Each	Amount		
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE	335.00	335.00		
		SALES TAX	7.00%	0.00		
						
<p>Date Rec'd Rizzetta & Co., Inc. _____</p> <p>D/M approval <u>CCF</u> Date _____</p> <p>Date entered <u>DEC 14 2017</u></p> <p>Fund <u>001</u> GL <u>53800</u> OC <u>4601</u></p> <p>Check # _____</p>						
Total				\$335.00		

FOUNTAIN DESIGN GROUP, INC.
CASCADE FOUNTAINS
7628 N.W. 6th AVENUE
BOCA RATON, FL. 33487
Phone # 561-994-3939

Invoice

Date	Invoice #
3/23/2018	15168A

Bill To
WATERS EDGE CDD RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	SC	3/23/2018		TW	

Quantity	Item Code	Description	Price Each	Amount
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE	335.00	335.00
		SALES TAX	7.00%	0.00
<div>MAR 28 2018</div> <div>Date Rec'd Rizzetta & Co., Inc. _____</div> <div>D/M approval <u>CCF</u> Date _____</div> <div>Date entered <u>MAR 28 2018</u></div> <div>Fund <u>001</u> GL <u>53800</u> OC <u>4601</u></div> <div>Check # _____</div>				
Total				\$335.00

FOUNTAIN DESIGN GROUP, INC.
CASCADE FOUNTAINS
7628 N.W. 6th AVENUE
BOCA RATON, FL. 33487
Phone # 561-994-3939

Invoice

Date	Invoice #
6/14/2018	15736A

Bill To
WATERS EDGE CDD RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	SC	6/14/2018		TW	
Quantity	Item Code	Description			Price Each	Amount
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE SALES TAX			335.00 7.00%	335.00 0.00
<div>RECEIVED JUN 19 2018 BY:</div> <div>Date Rec'd Rizzetta & Co., Inc. JUN 19 2018 D/M approval CCF Date Date entered JUN 22 2018 Fund 001 GL 53800 OC 4601 Check #</div>						
					Total	\$335.00

FOUNTAIN DESIGN GROUP, INC.
CASCADE FOUNTAINS
7628 N.W. 6th AVENUE
BOCA RATON, FL. 33487
Phone # 561-994-3939

Invoice

Date	Invoice #
9/6/2018	16361A

Bill To
WATERS EDGE CDD RIZZETTA & CO 3434 COLWELL AVENUE, STE 200 TAMPA, FL 33614

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due on receipt	SC	9/6/2018		TW	

Quantity	Item Code	Description	Price Each	Amount
	SERVICE CONT.	QUARTERLY FOUNTAIN CLEANING SERVICE	335.00	335.00
		SALES TAX	7.00%	0.00
<div>RECEIVED SEP 11 2018 BY:</div> <div>Date Rec'd Rizzetta & Co., Inc. _____ D/M approval <u>CP</u> Date <u>9/14/18</u> Date entered <u>SEP 12 2018</u> Fund <u>01</u> GL <u>5380</u> OC <u>460</u> Check # _____</div>				

			Total	\$335.00
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Tab 14



MIKE FASANO
TAX COLLECTOR
PASCO COUNTY, FLORIDA

POST OFFICE BOX 278 • DADE CITY, FLORIDA 33526-0278

October 31, 2018

Edward F. Grillo, Jr.
11654 Manistique Way
New Port Richey, FL 34654

Dear Supervisor Grillo:

This year Water's Edge Community Development District received a check for excess fees in the amount of \$4,225. As your management company has no doubt told you in the past, this amount represents the District's portion of fees earned by this office during the recently ended fiscal year. Per the tax collector's agreement with your community, these excess fees are refunded to you on an annual basis.

As an elected member of the CDD board please consider sharing this good news with the members of your community. A note in the neighborhood newsletter, a copy of the check sent to each resident or a similar means of communication will help your fellow residents understand the benefits of the partnership you have with the Pasco County Tax Collector's Office. These are funds that your association may have some freedom to use for projects and/ or services that your neighborhood may need. In any event it is a tangible reminder of why contracting with our office is beneficial to your community.

Please do not hesitate to contact me if you have any questions about this refund or any other service our office provides.

Best wishes,

Mike Fasano
Tax Collector

MF/gg

FOR YOUR CONVENIENCE:

EAST PASCO GOVERNMENT CENTER
DADE CITY
TELEPHONE 852.521.4860

CENTRAL PASCO GOVERNMENT CENTER
LAND O' LAKES
TELEPHONE 813.235.6020

WEST PASCO GOVERNMENT CENTER
NEW PORT RICHEY
TELEPHONE 727.847.8165

CONPARK 75 BUSINESS PARK
WESLEY CHAPEL
TELEPHONE 813.235.6020

TAX COLLECTOR BUILDING
GULF HARBORS
TELEPHONE 727.847.8165